XIIIA

LIEUTENANT GOVERNOR OF BENGAL * FORWARDED BY ORDER

REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1889.

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Proceedings of the Hon'ble the Lieutenant-Governor in the Home (Judicial) Department, No. 647, dated 9th July 1890.

READ—

The Report on the Administration of Civil Justice in the Punjab for the year 1889.

REMARKS.—The Report was received by Government in good time upon 20th May. The returns for the year show a considerable falling-off in the number of suits instituted. This decrease has been general throughout the Province, though it is most strongly marked in the Peshâwar District and the Derajât Division. As regards the Frontier Districts, some part of this may no doubt be attributed to the system of Civil references to jirgas inaugurated by Regulation IV of 1887. As regards the rest of the Province, it is said to be due generally to agricultural prosperity (a view which is perhaps borne out by the fact that suits for money instituted by bankers and shop-keepers against agriculturalists have fallen from 108,724 in 1888 to 102,222 in the year under review) and in a measure to the sickness which prevailed during last autumn. The actual number of suits instituted during the years 1888 and 1889 respectively was 257,975 and 243,399, so that the decrease has been one of 14,576 suits, or more than 5 per cent. on the figures of the previous year.

2. The total number of Civil suits before the Courts for decision in the year under review (excluding miscellaneous cases, but including all cases pending from the previous year and also re-admitted cases) amounted to 272,095 as compared with 285,973 in the previous year. The cases actually disposed of were 254,994 as compared with 268,174. The number of cases thus left pending at the close of last year was 17,101, which is less than it has been, though proportionately greater to the amount of work disposed of, than in the two preceding years since the close of 1885. This decrease is of course due to the smaller amount of business before the Courts for disposal.

Of the 254,994 cases decided, no less than 186,496, or 73 per cent., were disposed of by the staff of Munsiffs. The Lieutenant-Governor regrets to observe that the Judges have had cause to repeat their remarks of last year upon the tendency on the part of some District Judges to relieve Assistant Commissioners and Extra Assistant Commissioners of Civil work at the expense of Munsiffs without due regard being paid to the character of the work so transferred, and he trusts that this will gradually be corrected. Thus in the year under review out of a total number of 23,733 land suits disposed of, no less than 12,856 were decided by Munsiffs. In this connection Sir James Lyall last year recorded that he would be glad to learn what orders the Judges proposed to issue in the matter, and he has recently received a copy of the instructions issued under their direction last December to all Divisional and District Judges to the effect that no land suits are to be made over to Munsiffs for disposal unless their legitimate work of trying small cause and unclassed cases of an unimportant character is not sufficient to occupy their time fully, and that in no case should important land suits of a value of over Rs. 100 be sent to the Court of a Munsiff without very special reasons. While expressing his concurrence with these orders, the Lieutenant-Governor would observe, as regards the general litigation of the Province, that the mere number of cases disposed of by the various classes of Courts does not, taken by itself, afford altogether a fair criterion as to the relative amount of labour involved. For instance, it is observed that although the District Judges, Sub-Judges, Assistant Commissioners and Extra Assistant Commissioners combined disposed of only 8·6 per cent. of the original Civil work of the Province as compared with 73 per cent. disposed of by the Munsiffs, yet a much larger proportion of cases were contested in their Courts, and the total value of the suits instituted before them amounted to 97½ lakhs of rupees as compared with 92 lakhs, the value of suits instituted in Munsiffs' Courts. It is reasonable to suppose that suits in which the subject matter is important are, generally speaking, more closely contested and involve

more labour than where the subject matter is trivial. Moreover, the District Courts enumerated above are for the most part held at the head-quarters of districts, where professional aid is more readily available to suitors, and this fact would no doubt tend to reduce the amount of work disposed of by them as compared with Munsiffs' Courts, many of which are held in outlying places in districts. The Lieutenant-Governor does not doubt that these points have received the full consideration of the Judges, as well as the important fact that the greater portion of the time of Assistant Commissioners and Extra Assistant Commissioners must necessarily be devoted to other duties than those connected with Civil Judicial work.

3. The statistics relating to the execution of decrees do not present any very noticeable features, except a somewhat unsatisfactory decrease in the percentage of the amount actually realized as compared with the total value of money decrees in execution, which has fallen from 32 per cent. to 30 per cent. It is a curious fact, which has been noticed on previous occasions, that the Courts which show the best results throughout in execution work are those of the Peshâwar Division and the hill tract of Kulu, while the poorest results are exhibited in the Courts of the wealthy central districts of the Province. The number of judgment debtors who were arrested, but released without being actually imprisoned, rose from 4,044 to 4,951 in the year under review, while the number of judgment-debtors who actually underwent imprisonment fell from 630 to 445.

4. The number of witnesses who attended the Courts in original Civil suits was 411,032, of whom about one-third appeared voluntarily and without the issue of any sort of process. The Lieutenant-Governor agrees with the Judges in considering that it is remarkable that so many witnesses should attend without being officially compensated for their loss of time and trouble, and will be glad to be informed of the results of the enquiry which is being made on the subject. His Honor also finds it difficult to understand how it comes to pass that 25 per cent. of the witnesses summoned by the Courts were not paid their expenses, in view of provisions of the Civil Procedure Code, which require that diet money and travelling expenses should be tendered to the witness at the time that summons is served.

5. Sir James Lyall notices with satisfaction that the experiment of appointing Registrars to the District Courts of Small Causes and investing them with powers to try small cause suits up to the value of Rs. 10 has proved so successful. With reference to the further suggestion that the Judges of Small Cause Courts should in turn assist District Judges in their original Civil work, it may here be noted, although not strictly belonging to the proceedings of the year under review, that the Judge of the Small Cause Court at Amritsar has recently been invested with the powers of a Sub-Judge, 2nd Grade, and that the Lieutenant-Governor awaits the proposals of the Judges of the Chief Court for the investment of the Small Cause Court Judges of other districts with similar powers. In view of the recent orders of the Government of India on the subject of assimilating the law of appeal in the Punjab to that elsewhere in India, the Lieutenant-Governor has found it necessary to reconsider the conclusions expressed in paragraph 5 of the Review of last year regarding the extension of Small Cause Court powers in the Province, and the Judges have been separately addressed on this subject.

6. The appellate business for the year under report in Courts subordinate to the Chief Court has not decreased at all proportionately to the falling-off in original business; but while the number of appeals instituted in District Courts has increased from 8,598 to 9,593, the institutions in Divisional Courts have fallen from 8,846 to 7,660. This is due to the alteration in the law of appeal made in Act XIII of 1888. The District Courts have coped in a satisfactory manner with the increased work thrown upon them, although to some extent this result has been attained at the expense of their original Civil work. In the Divisional Courts, on the other hand, the large decrease in

institutions has been accompanied by a decrease in the number of cases disposed of, the reason being that fewer Additional Divisional Judges were working during 1889 than in 1888. In spite of this fact, however, the pending file of Civil appeals in Divisional Courts has fallen from 3,460 to 3,025, and the average duration of appeals has also been slightly reduced. The variations noted by the Judges in paragraph 65 of the Report in the manner of disposal of appeals by the different Divisional Courts are hardly satisfactory. Orders have been recently passed on the proposals of the Chief Court for equalizing the work of certain Divisions.

7. In the Chief Court the number of appeals instituted against decrees has fallen from 2,104 to 1,282 owing to the changes effected in the law of appeal by the legislation of 1888. The relief thus afforded has, however, been considerably discounted by the fact that applications for revision under Section 622 of the Code of Civil Procedure have risen from 1,189 in the year 1888 to 1,838 in last year. This increase is no doubt due to the circumstance that suitors, finding the door of appeal closed to them by Act XIII of 1888, now endeavour to secure a reconsideration of their cases by making applications on the revision side, although the special grounds required in revision are wanting. This appears to be borne out by the fact that out of 1,712 such applications which were disposed of last year, no less than 1,368 were rejected in Chambers, and of these fully three-fourths were summarily rejected without calling for the files. This feature in the work of the Court has attracted the attention of the Government of India, and the Judges have been addressed on the subject in connection with the recent orders of the Supreme Government, already noticed. At the same time it may be remarked that the greater part of the increase in applications for revision is likely to be temporary in any case; for, seeing that of the 1,712 applications disposed of, 1,520 were rejected entirely either in Chambers or by a Bench, and that, excluding the 143 cases which were merely remanded for re-decision, there remain only 49 cases, or less than 3 per cent. of the whole, in which the applicant achieved any decided success, the result of these proceedings is hardly calculated to encourage any tendency on the part of suitors to make groundless applications for revision. The general results of the working of the Court for the year have been that the pending file of appeals from decrees has been reduced from 2,154 to 1,391 cases, while the pending file of revision cases has risen from 231 to 357 cases (not 35 as is given by a misprint in the table at paragraph 82 of the Report). The reduction of the pending file is due mainly to the appointment of a sixth Judge during part of the year. The Court has noted that since the number of Judges has been reduced to five it has only just been able to cope with current work.

8. With reference to the system of process-serving in Civil cases which was introduced into the Province last year, and by which processes for service in outlying jurisdictions of Munsiff are sent by post in the first instance from the head-quarters of the district to the Court of the local Munsiff, thence to be served by process-servers acting under his orders, the Lieutenant-Governor observes that the special notice which District Judges were required to make of its working has in many cases been omitted, although the attention of Judges was specially drawn to the subject in paragraph 7 of the Circular Memo. No. 21—2231 issued by the Judges on 15th May 1889. From the extracts from the Annual Civil Reports which bear on this point it appears that the introduction of the system has so far actually led to a reduction in the staff of process-servers in the following districts :—

District.	Old staff.	New staff.	Reduction.
Gurgaon	26	20	6
Jullundur	116	105	11
Lahore	100	90	10

It also appears that in Muzaffargarh, Gujrát and Bannu reductions are in contemplation, and that in more than one district process-servers are employed on other than their legitimate duties. It is now more than a year since District Judges received the instructions of the Judges of the Chief Court on the subject, and the Lieutenant-Governor considers that they should by this time have acquired sufficient experience in the working of the new system to enable them to submit well-considered proposals as to the requisite strength of establishment. He therefore hopes that the full report promised by the Judges will as far as possible now be expedited.

9. The present Report contains a number of remarks regarding suits between money-lenders and agriculturists, references to arbitration, the keeping of accounts in a proper business-like manner, the increase of the number of mortgages in the form of a conditional sale, and the execution of decrees against land paying land revenue, which are of interest in connection with the important question of agricultural indebtedness at present under the consideration of the Lieutenant-Governor, but which need not be specially noticed in the present place. His Honor cannot, however, pass without remark the extract from the report of the District Judge of Ferozepore printed at page xv of the Appendices to the Report. The procedure therein indicated for effecting the sale of agricultural land is, as far as the Lieutenant-Governor can judge, perfectly legal; and this is another instance in which the action of our Courts practically defeats the administrative policy of Government in this matter. Similar action which has of late years been taken in connection with proceedings under Section 326 of Civil Procedure Code is already under the consideration of the Lieutenant-Governor, and His Honor thinks that it will probably be fonnd necessary to issue rules for the Punjab under Section 320 to take the place of those now in force under Section 327. It is somewhat surprising that so far as is known no Collector has brought to the notice of Government the action of Civil Courts to which Rái Búta Mal has now drawn attention.

10. The Lieutenant-Governor desires to record his acknowledgments to the Honorary Civil Judges in the Province for the assistance rendered by them during the year, and in particular by Chaudhri Bahâwal Bakhsh of the Siálkot District, who in each of the last four years has disposed of over 1,000 cases. His Honor notices with satisfaction the commendations which the Judges of the Chief Court have been pleased to pass upon the inspection of Subordinate Courts by the Divisional Judge of Hoshiárpur, and trusts that when the further revision of the law of appeal has reduced the appellate work of District and Divisional Courts they will be able to devote more time to this important duty. His Honor observes that the Judges have stated that in some districts Civil work fell into arrears during the year owing to the transfer of officers. Such transfers are unfortunately only too often necessary in the summer; but if the Judges will invite His Honor's attention in September or early in October each year to the districts in which temporary assistance is needed for such work, the Lieutenant-Governor will do his best to meet their wishes in making arrangements for the cold weather posting of officers.

ORDER.—Ordered that the above Review be forwarded to the Government of India in the Home Department with the usual number of copies of the Report. Also that it be forwarded to the Registrar of the Chief Court, Punjab, for the information of the Judges, and for circulation with the Report.

Also that it be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

H. C. FANSHAWE,

Offg. Chief Secretary to Government, Punjab.

Punjab Government Press, Lahore—11-7-90—354.

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No 8.—Statement showing the use of assessors in the Civil Courts of the Punjab in the year 1889.

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Statement A.- Supplementary—Statement showing the value of suits instituted in the District of the Punjab during the year 1889.

Appendix.

Extracts from the Annual Civil Reports of Divisional and District Judges.

No. 2293.

FROM

E. W. PARKER, ESQUIRE,

Registrar, Chief Court, Punjab.

To

H C. FANSHAWE, ESQUIRE,

Offg. Chief Secretary to Government, Punjab.

Dated Lahore, the 8th May 1890.

Sir,

Submits Annual Report.

I am directed to submit the Report on the Administration of Civil Justice in the Punjab, for the year 1889.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTIONS; CLASSIFICATION AND VALUE OF ORIGINAL CIVIL SUITS.

Number of suits instituted.

2. The following statement gives the number of suits instituted in the Civil Courts of the Province in each of the last six years:—

Grade of Court.	1884.	1885.	1886.	1887.	1888.	1889.
Chief Court	3	4	3	3	4	5
Divisional Courts	3	5	9	7	3	3
District Courts of general jurisdiction ..	241,197	225,392	218,427	223,917	235,287	222,721
District Small Cause Courts ...	13,825	13,883	15,680	15,041	15,162	13,964
Cantonment ditto ...	7,832	7,763	8,204	9,209	7,519	6,706
Total ...	262,860	247,047	242,323	248,177	257,975	243,399

Fluctuations noticed

3. The total number of suits instituted has fallen by 14,576, or by more than 5 per cent, as compared with the year 1888. In the years 1883 and 1884 the average institutions were, in round numbers, 262,000; of the four following years institutions stood lowest in the year 1886, and the figures for the year under report are only slightly above those for that year. The decrease has occurred in Small Cause Courts, both in Districts and Cantonments, as well as in District Courts of general jurisdiction.

Explanation of decrease.

4. An examination of the detailed figures for districts shows that the decrease has been very general, and must be due to causes influencing the entire Province. District Officers, as usual, attribute the falling off to agricultural prosperity and, in some instances, to the prevalence of sickness during the autumn. The only districts which show an increase are those of Rohtak and Shahpur. The decrease was most marked in the Peshawar district and in the districts of the Derajat division. There would seem to be no reason to suppose that any special causes have operated to reduce the number of institutions in any of the districts of the province, and the variations are nowhere such as may not be expected to occur in the ordinary course of things.

NOTE.—*The returns of the work done by the Court of the Thakur of Lahoul were not received until this report was in type. The following table shows the working in the Court of this Officer:—*

Class of Court.	Original Work.								Miscellaneous Work.						Execution Work.						
	Pending from last year.	For disposal.	Disposed of.	Pending at the end of the year. Under section 99 A, C. P. C.	Pending at the end of the year. Otherwise.	Pending at the end of the year. Total.	Average number of days each case lasted. Contested.	Average number of days each case lasted. Uncontested.	Pending from last year.	For disposal.	Disposed of.	Pending.	Average No. of days each case lasted. Contested.	Average No. of days each case lasted. Uncontested.	Pending from last year.	For disposal.	Disposed of.	Pending.	Average time taken in the disposal of each execution case.	Total value of money decrees in execution during the year.	Total amount realized during the year.
																				Rs.	Rs.
Thakur Hari Chand, Honry. Civil Judge, Lahoul	...	58	57	1	...	1	17	11	...	11	11	...	6	8	...	12	12		8 days	836	448

5. The following table gives the number of suits under the chief heads of classification, for the past four years :—

Classification of suits.

Description of suits.		1886.	1887.	1888.	1889.
I.—*Suits for money or moveable property.*	On registered bonds ...	2,951	2,682	2,525	2,131
	On unregistered bonds ...	83,497	85,692	90,012	87,671
	Otherwise than on bonds ...	101,250	102,580	105,876	96,993
	For rent other than of land ...	2,923	3,275	3,586	3,499
	For moveable property or value thereof ...	14,602	16,454	16,167	14,476
	For damages ...	1,882	2,246	2,081	2,028
	Other suits ...	1,769	1,673	1,976	1,273
	Total ...	208,874 86 p.c.	214,602 86 p.c.	222,223 86 p.c.	208,071 85 p.c.
II.—*Rent suits and suits under the Punjab Tenancy Act* ...		11	...	5	29
III.—*Other suits.*	For immoveable property ...	24,336	24,516	27,439	26,806
	For a declaration of right ...	2,432	2,483	2,536	2,468
	For specific performance ...	271	213	199	203
	Relating to betrothals, marriage, divorce & dower	5,446	5,339	4,687	5,089
	For or relating to partition ...	141	225	184	195
	Not included in the above ...	812	799	702	538
	Total ...	33,438 14 p.c.	33,575 14 p.c.	35,747 14 p c	35,299 15 p.c.
	Grand Total ...	242,323	248,177	257,975	243,399

6. Suits on registered bonds have fallen off continuously since the year 1885. Suits on unregistered bonds were more numerous than in any previous year of the five years' period shown in the table except 1888. Suits otherwise than on bonds, have decreased by 8,883 cases and have never been as low in any year of the five years' period. There has been a reduction, more or less considerable, under all heads except those relating to specific performance of contracts, betrothal suits and suits affecting marriage, and suits for partition. It does not appear to be necessary to seek for reasons to account for these variations; taking the period for five years, it is a little remarkable that the general results should be as uniform as they are. The chief variations are in classes of suits which depend more on oral than on documentary evidence, in which false suits are consequently most numerous, and it is satisfactory to find a substantial decrease under these heads.

Increase and decrease under various heads noticed

7. The following table gives the value of suits instituted which were capable of money valuation, for each of the past three years :—

Value of suits.

Class of suit.		Number of suits instituted.	Value.	Average value.		
			Rs.	Rs.	A.	P.
(1).—For money or moveable property	1887 ...	214,602	1,31,34,579	61	3	3
Ditto ditto	1888 ...	222,223	1,28,82,327	57	15	6
Ditto ditto	1889 ..	208,071	1,29,10,865	62	0	9
(2).—For land assessed or subject to assessment	1887 ...	16,946	30,37,915	179	4	4
Ditto ditto	1888 ..	20,940	56,58,827	270	3	10
Ditto ditto	1889 ...	19,817	46,85,382	236	6	11
(3).—For other immoveable property	1887 ...	8,399	11,18,454	133	2	8
Ditto ditto	1888 ...	7,845	15,87,627	202	5	11
Ditto ditto	1889 ...	8,603	22,82,563	265	5	2
(4).—Other suits	1887 ...	4,146	14,99,675	361	11	6
Ditto	1888 ...	4,589	9,73,048	212	0	8
Ditto	1889 ...	4,725	8,26,291	174	14	0
Total ...	1887	244,093	1,87,90,623	76	15	8
	1888	255,597	2,11,01,829	82	8	11
	1889	241,216	2,07,05,101	85	13	4

8. The total value of the litigation of the Province was Rs. 2,07,05,101 or 19,14,478 more than in the year 1887, and 3,96,728 less than in the year 1888. An error crept into the statements for the year 1888, received from the Mooltan district, and was carried into the Courts' report, in regard to the figures shown under head (4) "Other suits" This has been corrected in the table given in the preceding paragraph. Under the first head—suits for money or moveable property—the large decrease in the number of suits has not been followed by any falling off in value; there has indeed been a slight increase. Under the second head the value has fallen by about ten lakhs as compared with the preceding year, but is sixteen lakhs higher than in the year 1887. Under the third head the value has increased by nearly one-third, as compared with the preceding year, notwithstanding that suits for immoveable property in 1889 were not greatly in excess of those for 1888. Under the fourth head there has been a decrease of about 16 per cent, while suits were more numerous.

Variations in value noticed.

9. The variations are thus considerable and are largely due to disturbing influences connected with the system of valuing suits The rules made by the Local Government, under the Suits Valuation Act, relating to the valuation of land, came into force early in the year, and revised rules under the Act were also made by the Chief Court in regard to other classes of suits. It is probable that the full effect of the changes made will not be felt until the close of the current year. Having regard to the change of system referred to, a comparison with the results in previous years is not of much value, and any explanations of variations which might be given would be, to a great extent, conjectural. From an examination of the reports received from districts, it seems probable that the instructions conveyed have not in all cases been understood, and that the action in all districts has not been uniform. The subject will continue to receive the attention of the Judges, but it is not desirable, under present circumstances, to hazard inferences from the results noticed in the last paragraph.

Variations explained.

10. The average value for all classes of suits was Rs. 76-15-8 in 1887 Rs. 82-8-11 in 1888, and Rs. 85-13-4 in 1889. The average value of "Land suits" (head 2) has fallen, and so also has that of "Other suits" (head 4), the remaining heads show an increase, which is most marked in suits for immoveable property other than land, in which the value has gone up from Rs. 202-5-11 to Rs. 265-5-2. Prior to 1888, "Land suits" were valued according to the value fixed for Court fee purposes; in the year 1888 the true value was shown as far as could be ascertained. In the present year the value of land suits has been compiled on the jurisdiction value under the new rules, but as the rules were not in force throughout the year, the results are not altogether reliable.

Average value noticed.

B.—Disposal of Original Suits by Courts Subordinate to the Chief Court.

11. Divisional Courts disposed of 3 out of 4 original suits for disposal during the year 1889. In the previous year the figures were 6 out of 7 suits.

Original Civil work in Divisional Courts.

12. The following table shows the number of original suits for disposal, disposed of, and pending at the close of the year, in other Subordinate Courts, for each of the past five years :—

Original Civil work in other Courts.

Year.	For disposal (pending, instituted and re-admitted).	Disposed of.	Pending.
1885 ...	276,112	259,849	16,263
1886 ...	269,147	250,012	19,135
1887 ...	278,228	260,912	17,316
1888 ...	285,973	268,174	17,799
1889 ...	272,095	254,994	17,101
Difference between 1888 and 1889 ...	−13,878	−13,180	−698

13. The amount of business for disposal was considerably less than in either of the two preceding years, but is above the amount for the year 1886. The actual disposals were satisfactory, the pending file at the close of the year being below that of any of the previous years shown in the table.

Results noticed

14. The manner in which the original suits were disposed of shows no very noticeable variations as compared with former years. This will be seen from the subjoined table :—

Manner of disposal.

	Percentage decided.			
	1886.	1887.	1888.	1889.
Without trial	19·4	19·4	19·4	19·6
" contest	50·4	50·2	50·5	50·3
On reference to arbitration	·8	·8	·8	·6
After contest { for plaintiff	21·1	21·3	21·7	21·6
After contest { for defendant	8·3	8·3	7·6	7·9

15. Further details of the disposal of original suits during the three past years, are given in the annexed table :—

Further details of disposals.

1	2	3	4	5	6	7	8	9	10
Year.	Percentage of cases.								
	Dismissed in default.	Withdrawn with leave, section 373, Civil Procedure Code.	Compromised.	Decreed on confession.	Decreed or dismissed *ex-parte*.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested.
1887	18	0·5	19·5	18	13	0·8	21·0	8	72
1888	17	0·4	19·1	18	13	0 8	21·7	7·6	72
1889	17 9	0·4	19·1	17·4	13·7	0·6	21 6	7·9	71·8

16. The following table shows in further detail, dismissals on default and *ex-parte* decisions, for each of the past four years :—

Dismissals by default and *ex-parte* decisions.

Year.	Dismissals on default.				*Ex-parte* decisions.					
	Number of cases dismissed on default under sections 97 and 98, Civil Procedure Code.	*Number of applications for restoration to the file of cases dismissed under sections 97 and 98, Civil Procedure Code.*		Number of fresh suits brought on claims dismissed on default under sections 97 and 98, Civil Procedure Code.	Number of cases in which judgment was passed *ex-parte* against a defendant under section 101, Civil Procedure Code.	*Applications to set aside ex-parte decrees.*		Number of cases in which suit was dismissed under section 102, Civil Procedure Code.	*Applications under section 103, Civil Procedure Code.*	
		Admitted.	Refused.			Admitted.	Refused.		Admitted.	Refused.
1886 ...	46,515	6,498	2,577	318	30,526	2,320	1,790	3,484	1,129	390
1887 ...	45,083	6,323	2,622	347	27,226	2,079	1,519	3,294	1,095	393
1888 ...	47,659	5,630	2,306	346	32,298	2,639	1,888	3,504	1,221	439
1889 ..	45,843	4,939	2,426	214	31,639	2,700	1,819	3,461	1,185	435

17. Applications for restoration to the file of cases dismissed under section 97 of the Civil Procedure Code, were fewer than in any year of those compared, and applications under section 98, are only slightly in excess of those for the year 1888. The number of fresh suits instituted was also smaller than in previous years There is thus reason to believe that the action of the Courts, in the matter of dismissals on default, has been satisfactory. In regard to decisions *ex-parte*, the number of applications to set aside such decisions was nearly the same as in the previous year, and there is nothing unusual in the results.

Remarks on above

18. The following districts show the highest percentages of disposals under these heads :—

Districts in which the percentages were highest

	Districts.	On the Cases disposed of	
		Percentage on disposals on District figures.	Percentage on total so disposed of in the Province.
Dismissals on default ...	1. Sialkot .	19	8
	2. Gurdaspur ...	22	7
	3. Amritsar ...	17	6
Ex-parte decisions	1. Sialkot .	16	9
	2. Amritsar ...	15	8
	3. Lahore ...	15	7

19. The percentage of contested suits to the total number disposed of has undergone no change. It has stood at 30 during each of the past three years. The percentage of contested cases decided in favor of the plaintiff was nearly 72 or the same as in each of the two preceding years.

Percentage of contested suits.

20. Only 1,614 suits or 0 6 per cent on disposals, were decided by arbitration during the year, as compared with 2,051 in the year 1888, and 2,054 in 1887. The unpopularity of this method of decision appears to be increasing. It is understood to be due to the finality given to awards. A system less rigid would probably be more in accordance with popular feeling. It is to be regretted that this satisfactory method of adjusting disputes is not more generally resorted to, but under present circumstances litigants prefer to trust to responsible Courts, rather than resort to the good offices of private persons, whose decision, once given, cannot be questioned on its merits.

Reference to arbitration.

21. The number of commissions issued for local investigation and for examination of accounts, in each of the past three years, was as follows :—

Issue of commissions

Year	For Local Investigation.						For Examination of Accounts.					
	To a Revenue official.	To any other person.	Total	Average cost.			To a Revenue official.	To any other person	Total.	Average cost.		
				Rs.	A.	P.				Rs.	A.	P.
1887	309	2,526	2,835	4	12	10	36	1,487	1,523	4	9	4
1888	262	2,335	2,597	5	12	0	49	1,475	1,524	3	13	0
1889	270	2,028	2,298	5	11	0	33	1,093	1,126	4	10	0

22. The number of commissions of all kinds issued has diminished considerably. The figures being 3,424 in the year under report, as compared with 4,358 in the year 1887, and 4,121 in the year 1888. As compared with last year, there has been a reduction of 17 per cent. These results show a very moderate use of the provisions of the Code of Civil Procedure under this head.

Remarks on the above.

23. Property was attached before judgment in fewer cases than last year. The figures for four years are—

Attachment before judgment

1886	561
1887	481
1888	520
1889	452

Compensation for improper attachments was awarded in five cases as against one in the previous year. The number of attachments before judgment was highest in the Lahore (63), and lowest in the Rohtak (1) district.

24. The number of decrees bearing interest has slightly increased as compared with the preceding year, but is not large. The average rate of interest allowed has fallen to 5 per cent. The following table gives information under this head for a period of five years :—

Decrees bearing interest

	Number of cases in which interest was allowed on the amount decreed.				
	1885.	1886.	1887.	1888.	1889.
By consent	1,924	952	449	440	439
Without consent	304	168	88	72	117
Total ...	2,228	1,120	537	512	556
Average rate of interest ... By consent, per cent				7	7
Average rate of interest ... without consent, per cent ...				6-8-0	5

25. The pending file at the close of the year was 17,101, as compared with 17,799 in the previous year, and 17,316 in the year 1887. Of these 2142, as against 1,221, in the previous year were pending under section 99A. of the Code of Civil Procedure. These results are satisfactory.

Pending file.

The pending file stood highest in the following districts :—Lahore, 1,377; Ferozepore, 995; Sialkot, 1,282; Amritsar, 987; Gurdaspur, 1,075; Jullundur, 820.

26. The average duration for the whole Province in each of the past three years, was—

Average duration

	Contested.	*Uncontested.*
1887	34	22
1888	33	21
1889	34	22

Thus the results in the year 1889 are in no way exceptional. The average duration in the various classes of Courts in each of the past three years was :—

	Contested.			Uncontested.		
	1887.	1888	1889.	1887.	1888.	1889.
District Judges' Courts	66	67	72	48	41	53
Courts of Subordinate Judges with appellate powers	58	60	61	35	39	44
Assistant and Extra Assistant Commissioners (Special Munsifs) ...	48	48	54	31	35	35
District Small Cause Courts ...	20	16	17	19	15	14
Cantonment " " ...	21	22	16	13	13	15
Munsifs' Courts	32	31	31	21	20	22
Tahsildars' Courts	30	32	31	20	19	18
Naib-Tahsildars' Courts	21	23	22	15	16	15
Honorary Civil Judges' Courts ...	29	30	30	21	18	19

The average duration in District Judges' Courts, Sub-Judges' Courts Munsifs' Courts and Honorary Courts has increased; the results are otherwise satisfactory.

Summary of review of disposals

27. The above examination of the statistics relating to the original work disposed of by the Courts, discloses no very unfavorable features; the business before the Courts seems to have been well handled on the whole, and the results in most districts have been satisfactory. In the Umballa, Ferozepore and Amritsar districts there was a block of work during several months of the year; and in several districts frequent changes amongst the members of the Judicial Staff retarded the disposal of the work. The amount of litigation coming before the Courts is, notwithstanding the decrease in numbers which has occurred, still very large.

C.—AGENCY EMPLOYED IN DISTRICTS FOR THE DISPOSAL OF CIVIL SUITS.

Distribution of Civil work between the various grades of Courts.

28. The following statement shows the manner in which original suits were distributed between the various grades of Courts, during the year under report, as compared with the years 1887 and 1888, respectively:—

Number of officers employed on Civil work.			Grade of Officers.	Original suits decided. Number.			Original suits decided. Percentage.			Average number of cases decided by officers of each grade.		
1887	1888	1889		1887	1888.	1889.	1887	1888	1889	1887.	1888.	1889.
			District Judges and Subordinate Judges with Appellate powers	6,238	6 289	5,444	2 4	2 3	2 1	...	...	.
			Assistant Commissioners... . ..	2,610	3,149	2,742	1 0	1 2	1 0	..	...	...
			Extra Assistant Commissioners ...	19,908	16,725	14,150	7 6	6·9	5 5	...	..	...
116	116	116	Tahsildars	16,190	16,285	13,781	6 2	6 0	5 4	139	140	119
9	5	6	Naib Tahsildars	1,945	1,618	500	·8	·8	1	216	323	83
84	*83	*83	Munsifs	178,543	188,109	186,496	68·4	70·1	73 1	2,151	2,266	2 247
4	4	4	Judges of District Small Cause Courts...	†15,446	15,700	‡14,103	5 9	5 2	5 5	3,654	3,927	3,525
9	9	9	Judges of Cantonment Small Cause Courts	9,353	7,593	6,769	3·6	2 8	2 6	1039	844	752
56	58	57	Honorary Civil Judges	10,679	12,697	11,009	4 1	4·7	4 7	101	218	192
			Total	260,912	268,174	254,994						

Munsifs have done 73 per cent of the work Too many land suits have been made over to Munsifs.

29. Notwithstanding the reduction in the business coming before the Courts, the Courts of Munsifs have disposed of nearly the same number of suits as in the year 1888, namely, 186,496, as compared with 188,109. The Munsifs disposed of 68 per cent of the litigation in the year 1887, 70 per cent in the year 1888, and 73 per cent in the year under report. District and Subordinate Judges did a little over 2 per cent; Assistant and Extra Assistant Commissioners, 6·5 per cent, and Tahsildars and their Naibs, 5·5 per cent of the work. These officers combined have disposed of a much smaller proportion of cases, the percentages being 17, 16 and 14, respectively, in each of the years mentioned. District and Cantonment Small Cause Courts and Honorary Civil Judges have also done less work. While the entire body of Assistant and Extra Assistant Commissioners exercising powers as special Munsifs, numbering about 126 officers, only disposed of 16,892 cases (or 6·5 p.c.), 83 Munsifs disposed of 186,496. Of a total number of 23,733 "land suits", Munsifs disposed of 12,856, while all other Courts only disposed of 10,877. The 83 Munsifs were no doubt appointed in order to relieve the strain of civil judicial work which fell upon Assistant and Extra Assistant Commissioners, who have other duties to perform; but it can hardly have been intended that the burden should be so shifted that the latter officers should have taken only 6 or 7 per cent of the entire civil business of the Province, while the former disposed of nearly three-fourths of it.

* One Munsif is Registrar of the Lahore Small Cause Court.
† Includes 830 suits disposed of by other officers exercising Small Cause Court powers.
‡ Do. 2,649, ditto ditto ditto.

30. The following table shows the number of land suits disposed of by each class of Courts during the year 1889:—

Land suits disposed of by each class of Courts

Class of Courts.	Number of land suits.
District Judges	1,019
Sub-Judges with Appellate powers	1,366
Assistant and Extra Assistant Commissioners	5,784
Small Cause Courts	...
Munsifs	12,856
Tahsils Courts	1,920
Honorary Civil Judges	788
Total ...	23,733

31. In paragraph 26 of the Report for the year 1888, the Judges noticed the tendency to throw an undue proportion of the original civil business of the Province on the Munsif agency, without due regard to the character of the work and the suitability of that agency to deal with it. The statistics which have since been collected show that the bulk of the very class of work—namely, land suits—which should have been dealt with by the better paid and superior agency of Assistant and Extra Assistant Commissioners, has been left to the Munsif agency—an agency intended chiefly for the disposal of petty litigation unconnected with land. This result is, the Judges consider, by no means satisfactory, and measures are being taken to prevent its recurrence. The 16,892 suits disposed of by Assistant and Extra Assistant Commissioners do not, in the opinion of the Judges, represent even two-thirds of the civil work which these officers might have been expected to dispose of. In the following districts land suits were most largely made over to Munsifs:—

Further remarks on the same subject

Districts.	Land suits tried by Munsifs.	Land suits tried by other Courts.	Total land suits.
Hoshiarpur	1,419	356	1,775
Jullundur	1,417	234	1,651
Sialkot	1,398	341	1,739
Rawalpindi	1,065	348	1,413
Ferozepore	1,002	568	1,570

32. District and Sub-Judges have done less original work than in previous years, but under the new law of appeal more appellate work falls to their share, and they have therefore less time at their disposal to deal with original work. At the same time the total amount of original work disposed of by these Courts is hardly sufficient. This class of Courts did most original work in the following districts:—

Disposals by District and Sub-Judges

Delhi	370
Gurgaon	340
Lahore	318
Rohtak	322
Gujranwala	296
Umballa	289

33. Tahsildars and Naib-Tahsildars dispose of a decreasing quantity of civil judicial work each year, and there would appear to be an impression abroad that this agency is not intended to render more than a mere nominal assistance in this department. These officers have, on an average, decided about 117 suits apiece during the year, a number which cannot be regarded as sufficient.

Disposals by Tahsildars

34. The annexed statement gives the names of the Honorary Civil Judges who disposed of the greatest number of suits. The powers exercised and the number of suits disposed of by each officer are also noted :—

Honorary Agency

District	Name of Judge.	Pecuniary limit of powers.	Cases disposed of.
Sialkot ..	Chaudhri Bahawal Bakhsh	100	1,317
Ferozepore ...	Sirdar Khazan Singh	100	703
Sialkot ...	Sirdar Dial Singh	500	634
Kangra ...	Raja Niamat-ulla Khan	500	486
Montgomery ...	Lala Bhag Rai	100	455
Ferozepore ...	Sirdar Indar Singh	500	433
Sialkot ..	Sirdar Richpal Singh	100	389
Karnal ...	Munshi Mir Riaz Hussein	50	316
Kangra ...	Raja Jai Chand	500	284
Hoshiarpur ...	Sirdar Bahadar Rajindar Singh	50	284
Gujranwala ...	Raja Hurbans Singh	100	283
Delhi ...	Rai Bahadar Puri Lal	500	274
Shahpur .	Lala Kishen Dial	100	257
Delhi ...	Munshi Muhammad Ikramulla Khan ...	500	241
Ludhiana ..	Sirdar Uttam Singh	500	237
Kangra ...	Raja Amar Chand	500	214
Jullundur ...	Sirdar Harnam Singh	50	213
Gurgaon ...	Munshi Muhammad Siraj-ud-din Haidar Khan	500	212
Dera Ghazi Khan ...	Sirdar Fazal Ali Khan	500	210
Kohat ..	Nawab Sir Khawaja Muhammad Khan, K.C.S.I.	500	205
Bannu . ..	Munshi Muhammad Abdulla Khan	1,000	202
Jhang ...	Mr. Broadway	100	195
Umballa ...	Sirdar Jiwan Singh	500	191

35. The Judges desire to acknowledge the valuable services rendered by the Honorary Agency during the past year. They disposed of nearly as much work as twice their number of Tahsildars, and the Judges believe that on the whole it has been well done.

Services of Honorary Agency recognized

D.—Miscellaneous Cases.

36. The following statement shows the number of miscellaneous cases, under the Code of Civil Procedure (excluding applications for execution of decrees), instituted in District Courts in each of the past two years :—

Miscellaneous cases of a Civil nature under the Code.

Nature of Case	1888	1889
Plaints or Memoranda of appeal rejected or returned without registration.	5,493	5,322
Applications for restoration to the file of a suit or appeal dismissed in default or decreed *ex-parte* (sections 99, 103, 108, 558 and 560, Civil Procedure Code)	13,643	13,884
Objections with regard to attached property (sections 278 and 487).	14,052	13,485
Applications for permission to sue as a pauper (section 401) ...	1,278	1,083
Applications for review of Judgment (section 623).	1,538	1,552
Other cases	1,309	984
Total ...	37,313	36,310

37. Other miscellaneous cases, not connected with the Code of Civil Procedure, have risen from 3,343 in the year 1888, to 4,002 in the year under report. Of these, 1,864 were cases relating to the redemption or foreclosure of mortgages, as against 1,824 in the previous year. They were most numerous in the Gujranwala (362), Ferozepore (253), Hissar (199), Umballa and Rohtak (190) districts. There were 543 cases relating to minors and their property, and 395 applications for succession certificates. The numbers for the previous year under each head were 557 and 560, respectively.

Other miscellaneous cases.

38. The following statement shows the number of miscellaneous cases disposed of in Divisional Courts during the past two years :—

Miscellaneous cases in Divisional Courts.

NATURE OF CASE.	1888	1889
Memoranda of appeal rejected or returned	473	301
Applications under sections 558 and 560 for restoration to the file of an appeal dismissed in default or decided *ex-parte* ...	124	229
Applications for permission to appeal as a pauper	66	65
Applications for review of judgment	162	137
Applications for certificates to appeal under section 40 (c) Punjab Courts' Act	1,384	1,617
Cases under the Land Acquisition Act, 1870 ..	23	39
Cases under section 14 of the Legal Practitioners' Act, 1879 ...	...	1
Total ...	2,232	2,389

E.—EXECUTION OF DECREES.

39. The following statement gives the details of execution of decree work in District Courts for each of the past three years :—

Result of execution proceedings

Year	Total number of applications for execution before the Courts	Transferred.	Completely executed	Partially executed	Wholly infructuous	Total number disposed of	Percentage of cases completely executed to the number disposed of	Average duration.	Value of money decrees in execution	Amount realized. Voluntarily.	After issue but without execution of process	After execution of coercive process.	Percentage realized
									Rs	Rs	Rs.	Rs	
1887	207,488	1,759	53,096	42,940	87,368	185,163	29	37	1,26,00,387	4,37,969	7,74,988	26,82,200	31
1888	215,071	2,010	54,595	43,189	92,117	191,911	28	40	1,34,78,747	5,08,116	7,93,619	30,91,966	32
1889	209,146	1,621	52,507	41,326	90,374	185,828	28	42	1,34,59,219	4,72,128	7,35,260	28,32,532	30

40. The number of applications is smaller than in the year 1888, but above that for the year 1887. The proportion of completely executed decrees is the same as in the preceding years, *viz.*, 28 per cent. Partial executions are slightly below the figures for the two previous years; while wholly infructuous applications show no improvement,

Remarks on working.

notwithstanding the measures taken in this direction during the year. The average duration has risen, while the percentage of realizations has fallen somewhat, but the variations do not call for special explanation.

The percentages were—

	Percentage of decrees.		
	1887.	1888.	1889.
Completely executed	28·7	28·5	28·2
Partially executed	23·2	22·7	22·2
Wholly infructuous	47·2	47·9	48·6
Transferred	0·9	0·9	1·0

Wholly infructuous applications were most numerous in the following districts:—

Jullundur	7,439
Sialkot	6,979
Lahore	6,971
Amritsar	5,636
Gujranwala	4,824
Gurdaspur	4,737

and least numerous in

Gurgaon	932
Karnal	848
Simla	809
Kohat	503
Hazara	439
Kulu	66

The percentage of cases completely executed stood highest in the following districts:—

Kulu	61	Per cent.
Hazara	45	"
Peshawar	42	"
Kangra	41	"
Dera Ghazi Khan	38	"
Kohat	37	"

and lowest in—

Shahpur	18	"
Jhang	20	"
Montgomery	20	"
Simla	22	"
Hissar	24	"
Lahore	25	"

The percentage realized was most satisfactory in the following districts:—

Hazara	49	Per cent.
Gujrat	48	"
Peshawar	47	"
Kulu	46	"

and least satisfactory in—

Karnal	19	"
Jhang	19	"
Umballa	21	"
Jhelum	21	"
Gujranwala	22	"
Ferozepore	23	"

Modes of coercion employed.

41. The following table shows the processes resorted to for the execution of decrees in each of the last two years:—

	Number of applications.	
	1888.	1889.
On which process was issued, but not executed ...	57,209	57,017
On which moveable property was attached, but subsequently released ...	45,398	42,534
On which moveable property was sold	8,787	8,414
On which immoveable property was attached, but subsequently released ...	6,732	6,363

	Number of applications	
	1888.	1889.
On which hereditary or joint acquired property in land was sold ..	38	61
On which other immoveable property was sold ...	2,203	2,183
On which action was taken under section 305 or section 306, Civil Procedure Code ...	586	548
On which possession was given of moveable property ..	413	265
On which possession was given of immoveable property ...	6,368	7,130
On which specific performance was enforced ...	135	178
On which partition was effected ...	63	56
On which execution was effected otherwise than as above ...	79	119
On which judgment-debtors were arrested, but released without imprisonment ..	4,044	4,951
On which judgment-debtors were imprisoned ...	630	445

42. The following table shows the modes of realization :—

Realizations in money decrees.

		Amount realized.		Percentage.	
		1888.	1889	1888.	1889
		Rs	Rs.		
Paid in voluntarily		5,08,116	4,72,128	11	12
Realized	After issue, but without execution of process	7,93,619	7,35,260	19	18
	By attachment only	22,62,712	21,27,964	51	53
	By sale	5,96,238	5,16,405	14	13
	By arrest only	1,94,682	1,53,653	4	3
	After imprisonment	38,334	34,510	1	1

43. The annexed statement gives details of the number of judgment-debtors arrested and imprisoned, and of the terms of imprisonment :—

Arrest and imprisonment.

Year	Number of judgment-debtors arrested.		Number of persons detained.			Average duration of detention in days.
	Released without imprisonment.	Imprisoned.	Up to one month.	Between one and three months.	Between three and six months.	
1887	7,958	1,092	647	316	204	41
1888	4 044	630	323	192	108	42
1889	4,951	445	219	128	77	41

Distribution of execution of decree work amongst the various grades of Courts.

44. The following statement shows the distribution of execution of decree work amongst the various grades of Courts, and the results obtained in each :—

Class of Court.	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part.		Value of money decrees in execution.		Percentage realized.		Average duration.	
	1888.	1889.	1888.	1889.	1888.	1889.	1888	1889.	1888.	1889.
					Rs.	Rs.				
Sadr Courts	23,436	22,100	53	51	54,93,136	54,81,204	31	25	52	55
Small Cause Courts ...	16,298	15,387	58	58	6,05,894	5,95,230	39	42	16	17
Tahsil Courts	9,331	7,283	59	55	3,55,083	2,43,883	34	40	34	36
Munsifs' Courts .	137,584	135,962	49	49	67,70,113	69,25,023	33	32	39	43
Honorary Courts ...	5,262	5,096	61	61	2,54,521	2,13,879	37	38	30	30

Remarks on working of execution of decree business.

45. On the whole the working during the year 1889 has been very similar to that of the previous year, but there has been no marked improvement in any direction.

F.—Insolvency Proceedings.

Insolvency proceedings under the Civil Procedure Code.

46. The annexed statement gives the number of applications for declaration of insolvency under the Civil Procedure Code, filed, disposed of and pending at the close of the year and for the two preceding years :—

Year.	Pending from previous year.	Filed.				Disposed of.	Pending.
		By Judgment-debtors		By decree holders.	Total for disposal.		
		Under arrest or imprisonment.	Against whose property an order of attachment had been made.				
1887	128	59	434	1	622	504	118
1888	118	30	328	4	480	402	78
1889	78	35	262	2	377	284	93

Remarks on above statement.

47. Insolvency business has decreased very considerably, and this may be regarded as indicating that commercial interests were in a satisfactory condition.

Manner of disposal of Insolvency business.

48. The insolvency business was disposed of as follows :—

		1888.	1889.
Transferred		...	...
Withdrawn, or otherwise not prosecuted ...		163	116
Granted	A receiver not being appointed ...	36	29
	Ditto being appointed ...	61	42
Rejected	Penal proceedings not being taken...	142	97
	Ditto being taken ...	...	...

The scheduled debts stood at Rs. 7,79,979, against Rs. 8,13,452, and of this sum 27 per cent. was satisfied or disallowed during the year, as against 33 per cent, in the preceding year. Receivers held Rs. 1,09,527, of which Rs. 71,288, or 65 per cent, was disbursed within the year.

G.—Attendance of Witnesses.

Attendance of witnesses.

49. The sub-joined table gives particulars as to witnesses who attended the Courts in original civil suits during the two past years :—

	Number.		Difference.	Percentage.	
	1888.	1889.		1888.	1889.
Witnesses who appeared voluntarily ...	139,397	135,775	−3,622	34	33
Witnesses for whose appearance a summons was issued ...	273,046	275,257	+2,211	66	67
Total ...	412,443	411,032	−1,411	...	...

Remarks on district returns on this subject.

49A. The detailed figures for districts show that only from one-third to one-fourth of the number of witnesses who attend, do so voluntarily, while in some districts such as Gurgaon, Rohtak, Karnal, Kohat, Sialkot, Hissar and Peshawar the bulk of them attend without process. The number of witnesses who attended the Courts in the Hoshiarpur, Amritsar and Sialkot districts exceeded 25,000 in each case, and the number exceeded 20,000 in the Jullundur, Lahore, Gurdaspur and Ferozepore districts. Twenty-five per cent of the witnesses summoned were not paid their expenses. The average amount paid to each witness varied from seven annas in the Sialkot district, to Rs. 1-3-7 in the Montgomery district, and stands highest in that and the Gurgaon, Hissar and Dera Ismail Khan districts. It is remarkable that witnesses should attend the Courts voluntarily and without being officially compensated for the loss of time and expense involved, in such large numbers, and further explanations are being called for in regard to the state of things disclosed in several districts. In the Kohat district more witnesses than were summoned received expenses, which appears to be a remarkable result.

PART II.—SMALL CAUSE COURTS.

Original Civil business of District and Cantonment Small Cause Courts.

50. The annexed statement shows the original civil work for disposal by the District and Cantonment Small Cause Courts, and the manner of disposal, for each of the two past years :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Court	Number of Civil suits on the file												Average duration.	
	Pending from last year	Instituted.	Re-admitted under sections 99 and 103, Act XIV of 1882, or section 21, Act XI of 1865.	Received by transfer.	Total.	Disposed of without trial.	Without contest.	With contest	Total disposed of.	Pending at the end of the year.	Pending for more than 3 months at the close of the year.	Percentage of contested cases	Contested.	Uncontested
District Small Cause Courts 1888 .	1,125	15,162	205	1	16,493	1,923	8,985	4,801	15,709	784	106	30	16	15
District Small Cause Courts 1889 ...	784	13,964	237	...	14,985	1,641	8,986	3,476	14,103	882	160	21	17	14
Cantonment Small Cause Courts. 1888 ..	298	7,519	85	...	7,902	1,223	4,229	2,141	7,593	309	11	28	22	13
Cantonment Small Cause Courts. 1889 ...	309	6,706	89	...	7,104	1,043	3,586	2,140	6,769	335	16	31	16	15

Remarks on decrease.

51. There has been a general decrease in institutions. In District Small Cause Courts, the decrease amounted to 8, and in Cantonment Courts to 11 per cent. In the Lahore, Amritsar and Delhi Courts, the business for disposal fell by about 10 per cent as compared with the preceding year. In the Simla Court the figures were nearly the same as in the preceding year. In the Cantonment Courts the decrease was general, but was most marked in—

Court.	*Decrease per cent.*
Ferozepore	41
Lahore	20
Multan	13
Umballa	13
Peshawar	9

No special reasons have been given for the large decrease in these Courts. In several of the Cantonment Courts, however, the officers in charge for portions of the year exercised very limited powers, and this probably had some effect on institutions.

Appointment and powers of Registrars.

52. The experiment of appointing a Registrar to the Lahore Court proved so successful that the Judges submitted a recommendation, during the year under report, that the clerks of the Amritsar, Simla and Delhi Courts, who were officers of experience drawing salaries of Rs. 200 or more per mensem, should be appointed Registrars with power to try small causes not exceeding Rs 10 in value. The proposal was accepted by the Honourable the Lieutenant-Governor, and has been carried into effect. It is intended that the Judges of these Courts should, to the extent to which their time is set free by the relief given them by the Registrars of their Courts, assist District Judges by taking some original civil work off their hands.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Institution of appeals from decrees in District and Divisional Courts.

53. The following statement shows the number of appeals against decrees, instituted in District and Divisional Courts, during each of the past four years :—

1	2	3	4	5	6	7
	Number of appeals instituted.					
YEAR.	In District Courts.	In Divisional Courts.	Total.	Total number of contested cases decided.	Total number of first appals.	Percentage of first appeals to appealable orders.
1886	8,162	9,015	17,177	66,797	17,177	26
1887	8,413	9,365	17,778	70,065	17,778	25
1888	8,598	8,846	17,444	73,767	17,444	24
1889	9,593	7,660	17,253	71,120	17.253	24

Remarks on the above.

54. The appellate business, for the year 1889, taken as a whole, was about the same as in the preceding year. There was a slight decrease of only 191 appeals. Having regard to the falling off in original business, a much larger decrease might have been expected. The decrease has been entirely in appeals to Divisional Courts, which have fallen by 13 per cent. In District Courts appeals have increased by nearly 12 per cent. The increase in the appellate work of District Courts and the decrease in that of Divisional Courts is due to the alteration made in the law of appeal by Act XIII of 1888.

The relief thus given to Divisional Courts by District Judges and Subordinate Judges exercising appellate powers, is largely counterbalanced by the reduction in the amount of original business disposed of by the latter officers; and it became necessary to ask His Honour the Lieutenant-Governor to appoint an additional officer with the powers of a Subordinate Judge of the second class to each of the larger districts, in order to relieve the District and first class Subordinate Judges of the strain of original work.

A.—Appellate work in District Courts.

Work disposed of and pending; average duration.

55. The figures given below show for District Courts the number of appeals for disposal, disposed of, and pending at the close of the year, with the average duration in days:—

Year.	Number of Appeals.			Average duration of Appeals.
	For disposal.	Disposed of.	Pending.	
1887	9,209	8,598	611	·27
1888	9,240	8,313	927	26
1889	10,520	9,567	953	27

Remarks on the working

56. District Courts thus disposed satisfactorily of the increased amount of appellate business thrown upon them. The pending file and the average duration were not excessive.

The largest amount of business was dealt with by the following Courts:—

Jullundur	859
Gurdaspur	771
Hoshiarpur	746
Ludhiana	735

and the smallest in—

Hazara	81
Kohat	77
Kulu	74
Simla	2

The average duration was highest in the following Courts:—

Gurdaspur	47
Jullundur	39
Sialkot...	35
Amritsar	30

and lowest in—

Simla	20
Dera Ghazi Khan	19
Dera Ismail Khan	11
Hazara	6

Manner of disposal of appeals.

57. The manner of disposal was as follows:—

	Percentage.	
	1888.	1889.
Transferred	0·5	0·4
Summarily rejected under section 551, Civil Procedure Code...	19·9	18·5
Struck off for default or under section 557, Civil Procedure Code, or otherwise not prosecuted ...	4·3	4·9
Order of lower Court confirmed *ex-parte*	1·3	2·1
" " after contest ...	34·1	37·1
" modified	11·6	9·2
" reversed	18·4	16·9
Remanded under section 562, Civil Procedure Code ...	9·9	10·9

Remarks on above.

58. The orders of the lower Court were confirmed in 37 per cent, as against 34 per cent in the previous year. Summary rejections fell from 19·9 to 18·5 per cent. The working was on the whole satisfactory.

59. The annexed statement gives details as to value and cost of appeals, excluding cases transferred or re-admitted in District Courts, with percentages of cost to value :—

Value and cost of appeals in District Courts

Scale of Valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Not exceeding Rs. 10 ...	1,168	232	8,558	1,758	2,647	654	7	7	2	2	30	37
" " 50 ..	3,717	772	1,02,905	24,559	16,704	4,450	27	31	4	6	16	14
" " 100 ...	1,707	355	1,24,010	26,810	15,994	4,050	72	75	9	11	12	15
" " 500 ...	1,280	15	2,75,348	4,250	20,640	595	215	283	23	39	10	14
Appeals of which the value cannot be fixed ..	1	15	...		...	380	...	...	..	25	...	..
Total ... 1889 ...	7,873	1,409	5,10,821	57,377	64,994	10,129	65	41	8	7	12	18
Total ... 1888 ..	8,090	61	5,24,917	1,850	60,186	356	65	31	8	6	12	19

B.—Appellate work of Divisional Courts.

60 .The number of appeals from decrees pending from the previous year, the number instituted and disposed of during the year, and the number pending at the close of the year, are given below for each of the past two years :—

Disposal of appeals from decrees in Divisional Courts.

Year.	Pending from previous year.	Instituted, re-admitted, &c., during the year.	Total for disposal.	Disposed of.	Pending at the close of the year.
1888 ...	4,315	9,247	13,562	10,102	3,460
1889 ...	3,460	8,197	11,657	8,632	3,025

The falling off in disposals in the year under report, as compared with that in the previous year, is mostly due to the smaller number of officers employed in the year 1889; but the courts have disposed of a larger number of appeals than was instituted.

61. The following statement gives details of the number of appeals instituted, decided and pending for each Civil Division :—

Details of working in each Division.

Division.	Pending from 1888.	Instituted, re-admitted and received by transfer during 1889.	Disposed of in 1889.	Pending at the close of 1889.
Delhi	124	560	552	132
Umballa	281	735	824	192
Jullundur	366	525	783	108
Hoshiarpur (including Kulu)	670	820	1,388	102
Amritsar	476	803	643	636
Sialkot	249	583	741	91
Lahore	65	372	354	83
Ferozepore	322	791	630	483
Mooltan	177	421	361	237
Jhelum	363	697	722	338
Rawalpindi	114	789	539	364
Derajat	207	603	561	249
Peshawar	46	498	534	10
Total ...	3,460	8,197	8,632	3,025

Disposal of business in Divisional Courts.

62. The large amount of business disposed of in the Hoshiarpur Court is due to the fact that an additional Divisional Judge was attached to the division for the greater part of the year. In the Delhi, Amritsar and Lahore divisions the civil litigation is perhaps of a more difficult character than in most other divisions, and the presence of a strong local Bar in each of these divisions, tends to reduce the quantity of work turned out. The Delhi and Mooltan divisions each comprises four districts, and the criminal and administrative work is therefore heavy. The Rawalpindi division was extended during the year by the addition of the Shahpur district. In the Jhelum, Rawalpindi, Derajat and Peshawar divisions, Criminal work is exceptionally heavy. The civil appellate business is heavy in the Amritsar and Ferozepore divisions, in which the pending files are very large. The pending files in the Jhelum and Rawalpindi courts are also large. An Additional Judge has now been appointed to the Amritsar division, and he will be transferred to another division when the arrears of the Amritsar court have been disposed of. Proposals for equalizing the work in the Lahore, Amritsar, Ferozepore, Jullundur, Jhelum and Rawalpindi divisions are now before His Honour the Lieutenant-Governor. Experience has shown that the transfer of the Shahpur district from the Jhelum to the Rawalpindi division has not worked well; and the Judges have proposed a return to the original arrangement. The Jhelum division will then be the heaviest in the Province, and special arrangements will be necessary for the disposal of the business with the aid of an Additional Judge.

Average duration.

63. The average duration of appeals in Divisional Courts has fallen from 144 days in the year 1888 to 140 in the year under report. In the year 1887, the average duration was as high as 161 days. The average duration was highest in the Hoshiarpur (230 days), Mooltan (185 days), Ferozepore and Amritsar (167 days), and Jhelum (155 days), divisions. In the division first named, the fact that all the old pending cases were disposed of and the arrears worked off, accounts for the high average duration.

Manner of disposal.

64. The following table shows how the appeals were disposed of—

	Percentage.	
	1888.	1889.
Transferred, struck off for default, or otherwise not prosecuted	7	6·5
Order of the lower Court upheld	59	60·9
Ditto ditto modified	5	5·6
Ditto ditto reversed	22	20·9
Cases remanded under section 562, Civil Procedure Code	7	6·1

Sixty per cent of the orders appealed from were upheld.

Manner of disposal in each division.

65. The following table prepared from the Monthly Returns, shows the number of Civil appeals for disposal, the number disposed of under section 551 of the Code of Civil Procedure, without calling upon the respondent, and the number dealt with otherwise, in each division, for the year under report :—

Divisions.	For disposal.	Disposed of		Percentage disposed of without calling upon respondents.
		Under section 551.	Otherwise.	
Delhi	709	126	450	22
Umballa	1,052	65	792	7
Jullundur	965	29	820	3
Hoshiarpur	1,776	209	1,224	12
Amritsar	1,374	93	586	14
Sialkot	926	606	222	73
Lahore	464	73	304	20
Ferozepore	1,196	195	497	28
Mooltan	657	6	396	1
Jhelum	1,130	220	561	27
Rawalpindi	709	42	367	11
Derajat	844	45	539	8
Peshawar	565	248	306	45

These figures do not in all respects agree with those of the Annual Returns, and explanations are being called for. It seems clear that very little uniformity prevails in dealing with the Appellate work in the various Courts. The most remarkable feature of the returns is, that while the Divisional Judge of Sialkot found himself able to throw out nearly 73 per cent of all the appeals disposed of by him without calling upon the respondent, the Divisional Judge of Mooltan was only able to dispose of one per cent in this way. The variations are also very great in some other Courts.

Percentages of orders reversed or varied.

66. The percentages of orders reversed or varied to the toal number of appeals disposed of by each Court were as follows :—

Division.	Percentage. Varied.	Percentage. Reversed.
Delhi	9	22
Umballa	6	21
Jullundur	3	23
Hoshiarpur (including Kulu)	7	24
Amritsar	5	20
Sialkot	2	13
Lahore	5	24
Ferozepore	4	19
Mooltan	4	21
Jhelum	5	17
Rawalpindi	10	21
Derajat	3	20
Peshawar	5	14

According to these figures, the Divisional Judge of Sialkot only interfered with the order of the Lower Court in 15 per cent of the cases disposed of. In the Peshawar division, the percentage of interference was only 19, while in the Delhi, Hoshiarpur and Rawalpindi divisions, the percentage of decisions varied or reversed was as high as 31.

Value and cost of appeals to Divisional Courts.

67. The following statement gives the value and cost of appeals disposed of by Divisional Courts, with percentages of cost to value :—

Scale of Valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Not exceeding Rs. 10	10	1,133	60	6,339	35	5,929	6	6	4	5	58	93
" " 50	113	2,063	3,654	58,532	815	21,314	32	28	7	10	22	36
" " 100	138	1,216	11,591	95,705	2,133	22,184	84	79	15	18	18	23
" " 500	385	1,580	1,04,801	3,05,218	11,984	55,330	272	231	31	35	11	15
" " 1,000	174	108	1,24,488	1,20,159	15,937	17,347	715	715	92	103	12	14
" " 5,000	94	72	2,01,318	1,43,617	20,532	16,195	2,142	1,967	218	222	10	11
" " 10,000		1	...	093	...	800	.	5,093	...	800		15
Appeals of which the value cannot be fixed.	36	981	..	...	1,108	25,660		...	31	26		...
Total ... 1889	950	7,243	4,45,912	7,54,663	52,544	1,64,765	488	127	55	23	11	20
Total ... 1888	1,175	8,618	4,57,314	7,50,718	52,041	1,52,484	405	103	44	17	11	20

Miscellaneous appeals.

68. The number of miscellaneous appeals of a civil nature for disposal by Divisional Courts fell from 806 in 1888 to 781 in 1889; 700 of these were from orders under section 588 of the Code of Civil Procedure; 635 appeals were disposed of against 659 in the previous year. The pending file was 146, or one less than in the previous year; 76 of the pending cases had been pending for more than three months. The average duration was 90 days as against 113 in the previous year.

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Institutions of civil business in the Chief Court.

69. The following figures give the institutions of civil business of all kinds, in the Chief Court, for each of the last five years:—

Year.	Original Civil suits.	Appeals from decrees.	Appeals from orders.	Applications for revision.	Miscellaneous cases.	
					References under secs. 617 and 646 B, and 99 and 100 of the Tenancy Act.	Others.
1885	4	906	137	1,139	495	..
1886	3	2,671	303	1,391	586	..
1887	5	1,858	277	1,087	618	...
1888	4	2,104	271	1,189	89	744
1889	5	1,282	143	1,838	91	784
Difference in last two years	+1	− 822	− 128	+649	+2	+40

Remarks on the above.

70. Appeals from decrees have fallen by 822 or nearly 40 per cent. This is due to the change introduced into the law of appeal during the year 1888. Applications for revision have, on the other hand, increased from 1189 to 1838, or by 54 per cent. Appeals from orders have fallen from 271 to 143. Miscellaneous cases have increased by 42.

Appeals from decrees and orders.

71. The following table shows the number of appeals from decrees and orders above and below Rs. 5,000 in value, respectively:—

		1888.	1889.
Appeals from decrees.	First appeal (where value of suit is Rs. 5,000 or more)	91	107
	Further appeal (where the value is under Rs. 5,000)	1,966	1,139
Appeals from orders.	First appeal (where the value of the subject-matter is Rs. 5,000 or more or from an order passed under a special Act)	118	73
	Further appeals	153	70
Appeals on certificate of Divisional Judge		47	36

General statement of civil appellate work.

72. The following is a general statement of civil appellate work in the Chief Court, showing the institutions and disposals, with the manner of disposal of appeals from decrees and orders —

1		2	3	4	5	6	7	8	9	10	11	12	13
Description of Appeal		Year.	Number of appeals instituted.	Number of appeals for disposal.	Number of appeals disposed of.	Percentage of appeals. Transferred	Dismissed for default.	Rejected.	Confirmed	Modified	Reversed	Remanded.	Average duration
FIRST APPEALS	From decrees	1888	91	272	104	11	5	15	28	16	13	12	396
	„ orders	1888	118	167	122	3	3	51	16	1	13	13	161
	Total	1888	209	439	226	6	4	35	22	8	13	12	284
	From decrees	1889	107	275	132	5	4	8	33	22	17	11	474
	„ orders	1889	73	118	77	3	9	26	21	1	23	17	195
	Total ..	1889	180	393	209	4	7	15	27	14	20	13	372
FURTHER APPEALS	From decrees	1888	2,013	3,996	2 110	.	4	43	24	5	17	7	217
	„ orders	1888	153	214	160		12	35	14	1	14	24	159
	Total	1888	2,166	4,210	2,270		4	42	23	5	17	9	191
	From decrees	1889	1,175	3,062	1,876	1	4	21	32	9	26	7	432
	„ orders ...	1889	70	124	103	.	6	33	23	3	17	18	185
	Total	1889	1,245	3,186	1,979	1	5	21	31	8	26	8	419
Grand Total		1888	2,375	4,649	2,496	1	4	42	22	5	17	9	269
		1889	1,425	3,579	2,188	1	5	21	31	9	25	8	414

Manner of disposal of appeals instituted after change in the law

73. The following tables A, B and C show the manner in which appeals instituted after the change in the law were dealt with—

A.—Preliminary Hearing.

Class of Appeal		Instituted	Rejected in Chambers.	Notice issued and set down for Single Judge	Notice issued and set down for Bench.	Remaining for first stage.	Total of columns 3 to 6.
1		2	3	4	5	6	7
1888—16th Novr to 31st December	Regular	122	46	11	65	.	122
	Miscellaneous	19	7	10	2	. .	19
1889—1st Jany to 31st December	Regular	1,255	122	104	491	238	1,255
	Miscellaneous	170	62	62	13	33	170
	Total ...	1,566	(d) 537	(a) 187	(c) 571	(b) 271	1,566

B.—Final Disposals.

Class of Appeal.		Instituted	Rejected after calling for files.	Rejected without calling for files	Disposed of (after summoning respondent) by one Judge	Disposed of (after summoning respondent) by a Bench.	Pending	Total of columns 3 to 7.
1		2	3	4	5	6	7	8
1888 ..	Regular ..	122	18	28	11	11	54	122
	Miscellaneous	19	1	6	10	1	1	19
1889	Regular .	1,255	183	239	63	9	761	1,255
	Miscellaneous .	170	22	40	32	.	76	170
	Total .	1,566	(d) 224	(d) 313	(a) 116	(c) 21	(e) 892	1,566

C.—Details of Pending File—(*Vide* Column 7 above).

Class of Appeal		Unheard (without files).	Part heard (with files).	Notice issued and admitted to a Judge, and awaiting final hearing	Notice issued and admitted to a Bench. and awaiting final hearing.	Total
1		2	3	4	5	6
1888	Regular	.	.	..	54	54
	Miscellaneous	.	..	..	1	1
1889 ..	Regular	70	168	41	482	761
	Miscellaneous	12	21	30	13	76
	Total ..	(b) 82	(b) 189	(a) 71	(c) 550	(e) 892

For disposal, and disposed of pending file

74. The following tables D and E show in abstract form the total for disposal, and disposed of, including the pending file at the close of the year 1888, and details of the pending file as it stood on the 31st December 1889:—

D.—Total disposals from 31st December 1888 to 31st December 1889, including pending file, as it stood on 31st December 1888.

For disposal.			*Disposed of.*				
Pending.	Instituted.	Total	Rejected without summoning respondent.	By a single Judge after summoning respondent.	By a Bench after summoning respondent.	Pending on 1st January 1890.	Total.
1	2	3	4	5	6	7	8
2,154	1,425	3,579	557	484	1,147	1,391	3,579

E.—Detail of pending file on 31st December 1889 shown above (Column 7).

Appeals not yet admitted or rejected.	Appeals admitted to a Bench, of those instituted, prior to 16th November 1888.	Appeals admitted to a Bench, of those instituted after 16th November 1888.	Appeals admitted to a Single Judge, of those instituted, after 16th November 1888.	Total pending.
(b) 271	499	(c) 550	(a) 71	1,391

Disposals exceeded institutions

75. The disposals of appeals exceeded the institutions by 763 cases, or 53 per cent.

Remarks on the above

76. Since the number of Judges has been reduced to five, the Court has only just been able to keep pace with the income of work, and the impression made on the pending file has been small. Had a sixth Judge been continued until the arrears had been reduced by another 600 cases, the business of the Court would have been brought within reasonable proportions, and the results would have been very much more satisfactory.

Details of disposal of Civil appeals for three years

77. The following table gives the details of disposals of Civil appeals for each of the last three years :—

Year	Number of Appeals.			
	Rejected by a Single Judge in Chambers.	Decided in Courts. By a Single Judge.	Decided in Courts. By a Bench	Total.
1887	965	109	591	1,665
1888	1,087	104	1,305	2,496
1889	557	484	1,147	2,188

Further details as to disposal of Civil appeals are given in the following figures :—

Year	Chamber Work. No. of Appeals.				Total.	No. of appeals decided by Benches.
	Rejected at a preliminary hearing in Chambers.	Decided by a Single Judge after notice to respdt	Admitted to hearing before a Bench.	Admitted to hearing before a Single Judge after notice.		
1887	965	109	1,310		2,384	591
1888	1,087	104	1,287		2,478	1,305
1889	557	484	663	173	1,877	1,147

Remarks on above.

78. The number of appeals rejected by a Single Judge in Chambers has fallen largely, but the number and character of the appeals instituted has undergone a considerable change, as the result of the operation of Act XIII of 1888. The petty appellate work of the Court has been much reduced. On the other hand the revisional work has increased largely, and in that class of business the summary rejections have been very numerous. The number of cases heard after notice to the respondent by a Single Judge has largely increased owing to the same cause. The rules of Court, made under section 8 of the Punjab Courts' Act, 1884, as now amended, provide for a much larger exercise of the jurisdiction of the Court by Single Judges than was formerly possible.

79. The average duration of appeals has gone up from 269 to 414 days This is due to the impression made on the heavy file of arrears which had been lying in the Court for a length of time.

Average duration

80. The pending file compared with the two previous years was as follows:—

Pending file

Years.	Number of Appeals pending			
	In Chambers.	Before Court.	Over 3 months.	More than year
1887	204	2,070	1,911	1,079
1888	219	1,934	1,778	880
1889	249	1,142	1,120	549

81. The following table gives details regarding the value and cost of appeals decided during the year:—

Value and cost of appeals

Value of suit	Number of appeals		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value	
	For money or moveable property	In other suits	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.
Not exceeding Rs 10	8	59	70	354	64	533	9	6	8	9	91	150
" " 50	20	226	606	7,451	235	3,262	30	33	11	14	39	44
" " 100	20	232	1,411	17,516	371	4,283	70	75	18	18	26	24
" " 500	47	425	14,980	1,12,377	2,121	12,648	319	264	45	29	14	11
" " 1,000	74	357	51,423	2,62,440	6,861	17,584	695	735	93	49	12	7
" " 5,000	60	239	1,28,438	4,50,551	12,680	22,460	2,141	1,885	211	94	9	5
" " 10,000	11	21	83,445	1,30,726	5,417	4,777	7,586	6,225	492	227	6	3
" " 1,00,000	10	21	1,54,025	4,60,103	9,851	8,944	15,402	21,900	985	426	6	2
Exceeding " 1,00,000	.		...	...	...	...	...	...	...	.	.	.
Appeals of which the value cannot be fixed.	.	159	..	..	..	4,657	..	...	.	29	.	..
Total . 1889	250	1,739	4,34,398	14,41,518	37,600	79,148	1,737	912	150	45	8	5
Total . 1888	324	1,857	6,07,272	10,16,612	45,830	69,658	1,874	634	141	37	7	6

82. The following statement gives the details of disposal of applications for revision, under section 622 of the Civil Procedure Code, for the last two years:—

Revision

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year	For disposal			Sent to a Bench		Rejected in Chambers.		Dismissed by a Bench.		Order of Lower Court				
	Pending from last year.	Instituted during the year	Total	Without calling for files.	After calling for files.	Without calling for files	After calling for files.	In default	On the merits	Modified.	Reversed.	Remanded for fresh decision.	Total disposed of.	Pending at the end of the year
1888 .	200	1,189	1,389	90	92	818	154	12	66	7	33	68	1,158	231
1889	231	1,838	2069	212	97	1,098	270	11	141	7	42	143	1,712	35

Other civil business.

83. The details of the other civil business disposed of by the Chief Court during the last two years, are given below :—

Description of Suits.	1888.	1889.
Original matrimonial cases	2	1
References under section 17, Act IV of 1869	1	3
Uncontested applications for probate and letters of administration	12	11
Contested do. do.		1
References under section 617, Civil Procedure Code ...	5	13
Applications for review, for permission to appeal as a pauper, to stay execution of decrees and other miscellaneous applications	745	827
Total ...	765	856

Strength of the Court

84. There were six Judges attached to the Court for seven and a half months, and five for four and a half months of the year.

PART V.—GENERAL.

Process serving establishment

85. The annexed statement shows, for District Courts, the process serving establishment, the number of processes issued, with the receipts and expenditure for 1888 and 1889 :—

Year	*Establishment.*				*Number of processes issued.*			Value of stamps for the service of processes filed during the year.	Total expenditure
	Nazirs.	Naib-Nazirs.	European process servers.	Peons.	Civil.	Criminal.	Revenue.		
								Rs.	Rs.
1888 ...	31	194	13	2,112	1,356,126	142,889	131,811	4,32,895	1,91,611
1889 ...	31	195	13	2,061	1,333,649	156,764	162,379	4,26,473	1,95,700

In Divisional Courts the sum of Rs. 7,372 was realized from process fees, as against Rs. 9,768 in the previous year, while the sum of Rs. 3,299 was expended on establishments and postage, as against Rs. 3,354 in the previous year.

In Commissioners' Courts the sum of Rs. 3,047 was realized on account of process fees, while the sum of Rs. 1,431 was expended on establishments and postage.

In the Chief Court, the sum of Rs. 3,509 was realized as against Rs. 4,451-8-0 in the previous year, of which the sum of Rs. 159 was expended on postage. The net profit to Government from the service of processes was Rs. 2,39,812 as against Rs. 2,51,663-11-0 in the previous year.

Increase of the establishment.

86. The proposals for strengthening and improving the process serving establishment which were submitted to Government on the 10th December 1888, were received back from the Government of India for further consideration. Information has been called for from District Courts, and a further report will shortly be submitted.

Fees for inspection of records.

87. The income for the last two years in Divisional and District Courts from fees for the inspection of records, and expenditure under the same head, were as follows :—

		Income derived from inspection fees.	Expenditure on establishment, &c., &c.	Balance credited to Record Office Fund.
		Rs.	Rs.	Rs.
Divisional Courts ...	1888 ...	6,333	4,098	2,235
	1889 ...	8,234	5,058	3,176
	Difference ...	+1,901	+ 960	+ 941
District Courts ...	1888 ..	14,146	6,424	7,722
	1889 ...	15,698	7,172	8,526
	Difference ...	+1,552	+748	+804

Inspection of Courts.

88. Inspection reports were received from all divisions and districts, except from Amritsar, where both the District and Divisional Officers were so fully employed that they could not find time to inspect subordinate Courts.

On the whole the inspections were satisfactory, but notably so in the Hoshiarpur division, in regard to which the Judges were pleased to convey their thanks to the Divisional Judge for the full and complete inspections made of the subordinate Courts.

Extracts from reports.

89. The usual selections from Divisional and District Reports are attached to this report.

District and Divisional Judges' Reports noticed.

90. The reports received from the following divisions and districts deserve special mention :—

Districts—

Montgomery, (Mr. Kennedy).
Kangra, (Mr. DeCourcy).
Jullundur, (Diwan Ram Nath).
Ferozepore, (Rai Buta Mul).

Divisions—

Dehli, (Mr. Harris).
Mooltan, (Colonel Marshall).
Rawalpindi, (Mr. Beachcroft.

I have the honor to be,

Sir,

Your most obedient servant,

E. W. PARKER,

Registrar, Chief Court, Punjab.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES ON THE LAST DAY OF THE YEAR 1889.

1	2	3	4	5	6	7	8	9	10	11	12
Class of Court.	Area.	Population	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	No. of sub-districts.	Number of Officers.		Total number of cases decided.			
								Original.		Appeals.	
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.
Honorary Courts	107,010 square miles.	18,842,264	14	31	124	1	57	11,009	1,336	...	...
Paid Sub-divisional Courts { Munsifs ...						..	83	186,496	26,327	...	...
Paid Sub-divisional Courts { Tahsil ...						...	122	14,281	1,314	...	...
Small Cause Courts						13	4	20,872	1,191	...	...
District Courts other than Chief Courts of districts						28	73	19,817	5,439	3,682	337
Chief Courts of districts						29	18	2,519	5,126	5,885	450
Total ...						71	357	254,994	40,733	9,567	787
Divisional Courts						14	...	3	2,389	8,632	635
Chief Court						5	...	8	11	2,008	180
Grand Total ...						90	357	255,005	43,133	20,207	1,602

STATEMENT No. 2.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL AND ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1889.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Suits for Money or Moveable Property.													Other suits.							
	Contract in writing													Suits for possession or recovery of immoveable property founded on							
Class of Court.	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received	Goods sold.	Wages, work and materials.	Rent, other than of land.	Moveable property or value thereof.	Damages	Other suits for money or moveables not already mentioned	Total.	Rent suits and suits under the Punjab Tenancy Act referred to the Civil Courts under section 54, Punjab Courts Act	Contract	Inheritance.	Gift.	Right of pre emption.	River action	Other cause	Suits to recover possession of immoveable property under section 9 of the Specific Relief Act.	Suits to compel specific performance of contract
Honorary Courts	119	2,836	2,087	3,254	23	122	86	48	702	107	65	9,449	..	205	155	3	65	1	377	35	22
Paid Sub-divisional Courts ... Munsifs ...	1,027	71,913	29,435	35,352	236	2,067	1,467	1,720	11,523	1,651	732	157,123	..	5,596	2,709	45	1,713	7	5,459	413	52
Paid Sub-divisional Courts ... Tahsil ...	96	3,135	2,646	3,250	42	137	111	166	1,262	71	178	11,094		477	462	7	222	11	1,089	93	36
Small Cause Courts	82	6,087	4,002	4,293	47	2,893	1,268	1,433	413	38	114	20,670	...	...	...	...	...	...	...	..	...
District Courts other than Chief Courts of districts ...	607	3,486	1,128	2,559	18	57	95	122	546	140	163	8,921	29	1,782	1,774	74	1,047	14	1,972	151	77
Chief Courts of districts	200	214	39	263	4	5	7	10	30	21	21	814	..	172	231	16	184	1	203	41	16
Total ...	2,131	87,671	39,337	48,971	370	5,281	3,034	3,499	14,476	2,028	1,273	208,071	29	8,232	5,331	145	3,231	34	9,100	733	203
Divisional Courts	...	..	..	...	..	...	...	...	.	..	...	...	...	...	...	..	...	...	...	...	...
Chief Court	...		..	...	...	..	...	...	.	.	...	...	...	..	...	...	...	...	...	...	...
Grand Total ...	2,131	87,671	39,337	48,971	370	5,281	3,034	3,499	14,476	2,028	1,273	208,071	29	8,232	5,331	145	3,231	34	9,100	733	203

STATEMENT No. 2.—*concluded.*

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL AND ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1889.

1a	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	37a	38	39	40	41	42	43	44
	Other Suits.																						
								Suits relating to betrothals, marriage, divorce and dower.															
Class of Court.	Suits for declaratory decrees under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act not expressly provided for	Suits to declare or establish rights to real property, including pre-emption	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments	Suits to set aside judgment, contracts, or obligations on the ground of fraud.	Suits connected with betrothals	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping	Suits relating to religion and caste.	Administration suits	Succession certificate suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Acts X of 1865 and V of 1881.	Any suits not included in the foregoing columns	Total.	Grand Total	Total number of suits shown in columns 2 to 7, which were brought by bankers or shop-keepers against agriculturists.
Honorary Courts	24	6	33	9	4	...	...	71	8	1	54	12	...	3	...	...	..	...	2	6	1,096	10,545	4,410
Paid Sub-divisional Courts { Munsifs	222	8	700	147	46	...	61	1,598	118	24	1,536	77	...	7	...	...	...	6	...	51	20,595	177,718	88,638
Paid Sub-divisional Courts { Tahsil	5	17	70	11	2	...	14	29	.:.	..	27	17	...	..	...	...	...	...	...	8	2,597	13,691	4,760
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.	...	20,670	499
District Courts other than Chief Courts of districts	272	43	474	184	17	6	122	218	1,032	40	101	58	...	1	1	...	2	9	...	82	9,582	18,503	3,761
Chief Courts of districts	128	6	63	46	1	2	32	44	159	10	11	31	...	...	7	5	1	10	2	28	1,450	2,264	154
Total ...	651	80	1,340	397	70	8	229	1,960	1,317	75	1,729	195	...	11	8	5	3	25	4	175	35,320	243,391	102,222
Divisional Courts	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	3	3	...
Chief Court	...	...	...	...	...	...	...	...	1	4	...	...	..	..	...	...	...	...	...	...	5	5	...
Grand Total ...	651	80	1,340	397	70	8	229	1,960	1,318	82	1,729	195	...	11	8	5	3	25	4	175	35,328	243,399	102,222

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1889.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17a	18	19	20	21	22	23
	UNDER THE CODE OF CIVIL PROCEDURE.											OTHER MISCELLANEOUS CASES.											
CLASS OF TRIBUNAL.	Plaints rejected or returned without registration.	Applications for the withdrawal or transfer of a suit or appeal	Applications under sections 99, 103, 108, 558 and 560, for the restoration to the file of a suit, appeal or application for execution, dismissed on default or decreed *ex-parte*	Claims to, and objections to the attachment of attached property under sections 278 and 497.	Complaints under sections 328, 332, 334 and 335, except when, in case of obstruction by a claimant in good faith, the case is under section 331, to be registered as a suit.	Enquiries under section 258, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under section 401, for permission to sue as a pauper.	Applications under section 592, for permission to appeal as a pauper	Applications under section 623, for review of judgment.	Proceedings under sections 174 and 643.	Total	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.	Applications for Certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such Certificates	Applications regarding the care of lunatics' estates, and the guardianship of their persons under Act XXXV of 1858.	Applications for Certificates under Act XXVII of 1860.	*Uncontested* applications for Probates and Letters of Administration under Acts X of 1865 and V of 1881, as amended by Act VI of 1889, and applications for the revocation of such Probates and Letters.	Cases under Succession Certificate Act VII of 1889.	Other cases connected with the custody and disposal of intestate property.	Cases under section 14 of the Legal Practitioners' Act, 1879.	Applications for Certificates under section 40 (c) of the Punjab Courts Act.	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the foregoing columns.	TOTAL.
Honorary Courts	134	12	590	503	1	2	32	...	44	...	1,318	...	...	...	...	...	...	...	...	...	...	12	12
Paid Sub divisional Courts — Munsifs	2,675	37	10,682	10,569	70	319	559	4	887	94	25,896	...	...	...	...	...	..	...	...	...	...	125	125
Paid Sub divisional Courts — Tahsil ...	236	2	625	316	...	5	6	...	65	1	1,256	...	...	...	...	...	...	...	...	...	...	5	5
Small Cause Courts	114	2	504	388	..	13	14	...	170	...	1,205	...	...	...	...	...	...	...	...	...	...	..	...
District Courts other than Chief Courts of districts	1,585	18	1,202	1,409	41	27	344	35	224	27	4,912	13	46	...	87	18	52	...	...	...	...	96	312
Chief Courts of districts	578	231	281	300	..	29	128	8	162	6	1,723	1,851	497	163	308	63	458	.	...	...	...	208	3,548
Total ...	5,322	302	13,884	13,485	112	395	1,083	47	1,552	128	36,310	1,864	543	163	395	81	510	...	...	...	...	446	4,002
Divisional Courts	297	...	230	...	...	..	...	60	146	...	733	...	...	...	...	...	...	...	1	1,627	38	...	1,666
Chief Court	...	...	...	...	.	...	...	...	...	...	...	..	..	...	...	10	..	...	.	...	...	...	10
GRAND TOTAL ...	5,619	302	14,114	13,485	112	395	1,083	107	1,698	128	37,043	1,864	543	163	395	91	510	...	1	1,627	38	446	5,678

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1889.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	NUMBER OF SUITS INSTITUTED.																							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50.*				*Not exceeding Rs. 100.*				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000.*				*Not exceeding Rs. 5,000.*			
CLASS OF COURT	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property	Other suits.
	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.
Honorary Courts	2,767	156	65	18	4,812	183	155	28	1,405	98	63	24	459	170	47	45	6	13	2	...	...	..	...	..
Paid Sub-divisional Courts { Tahsil ...	3,289	598	177	34	6,051	760	415	84	1,754	353	131	42	...	...	...	...	...	...	...	...	...	...	...	...
Paid Sub-divisional Courts { Munsifs...	37,507	1,927	943	214	76,158	3,750	2,661	1,531	26,203	2,485	1,329	783	17,129	2,612	917	806	126	75	21	27	...	..	...	...
Small Cause Courts	6,079	...	...	...	10,252	...	...	...	2,252	...	...	...	2,087	...	...	...	...	..	...	...	.	...	...	...
District Courts other than Chief Courts of districts	1,014	458	111	26	2,548	1,270	327	121	1,542	1,037	289	318	2,493	1,794	494	245	1,015	918	130	178	298	373	65	22
Chief Courts of districts	9	28	5	1	22	78	8	1	29	76	12	10	106	203	35	35	208	116	32	89	377	215	138	35
Total ...	50,665	3,167	1,301	293	99,843	6,041	3,566	1,765	33,185	4,049	1,824	1,177	22,274	4,779	1,493	1,129	1,355	1,124	185	294	675	588	203	57
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.	.	...	...	...
Chief Court	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	..	...
GRAND TOTAL ...	50,665	3,167	1,301	293	99,843	6,041	3,566	1,765	33,185	4,049	1,824	1,177	22,274	4,779	1,493	1,129	1,355	1,124	185	294	675	588	203	57

STATEMENT No. 3.—*concluded.*

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1889.—*concluded.*

1	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
	NUMBER OF SUITS INSTITUTED																						
	Not exceeding Rs. 10,000.				*Not exceeding Rs. 1,00,000*				*Exceeding Rs. 1,00,000.*				*Suits of which the value cannot be fixed.*			TOTAL.				*Total value of suits*			
CLASS OF COURT	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits	For money or moveable property.	For land assessed or subject to assessment	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment	For other immoveable property.	Other suits.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits	For money or moveable property.	For land assessed or subject to assessment	For other immoveable property.	Other suits
	Rs.	Rs.	Rs.	Rs	Rs.	Rs	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Honorary Courts	...	...	..	...	...	.	...	..	...	...	...	...	7	3	19	9,449	629	335	132	3,43.145	74.228	22,286	16,416
Paid Sub-divisional Courts ... Tahsil ...	..	...	...	...	...	...	...	...	...	...	...	...	..	...	3	11,094	1,711	723	163	3,03,299	51,640	23.879	6,949
Paid Sub-divisional Courts ... Munsifs ...	...	...	...	...	...	...	...	...	...	...	...	...	143	185	186	1,57,123	10,992	6,056	3,547	73.98,450	11,04,736	4.28,605	2,65,958
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	20,670	...	...	...	8,80,043	...	...	...
District Courts other than Chief Court of districts ...	9	19	2	3	2	1	2	..	...	2	...	..	379	82	916	8,921	6.251	1,562	1.829	20,17,637	22.81,477	6,54,620	3,50,369
Chief Courts of districts ...	32	36	11	6	31	10	13	1	...	1	3	...	59	10	183	814	822	267	361	19,68,291	11,73,301	11,53,173	1,86,599
Total ...	41	55	13	9	33	11	15	1	...	3	3	...	588	280	1,307	2.08,071	20,405	8,883	6,032	1,29,10,865	46,85,382	22,82,563	8.26,291
Divisional Courts	..	..	...	...	...	.	...	...	...	...	...	...	...	...	3	..	...	...	3	.			
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	...	...	...	5	.	..		
GRAND TOTAL ...	41	55	13	9	33	11	15	1	...	3	3	...	588	280	1,315	2,08,071	20,405	8,883	6,040	1,29,10,865	46,85,382	22,82,563	8,26,291

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1889

PART I.—*Civil Suits.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits.		Average number of days the parties or either or any of them had to attend Court.
				Without contest.				*On reference to arbitration.*		*With contest.*						
		Transferred.	Without trial.	Compromised.	Decreed on confession.	Decreed *ex-parte.*	Dismissed *ex-parte.*	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.			Contested.	Uncontested.	
Honorary Courts	11,728	...	2,363	1,739	2,501	1,247	138	129	15	2,211	666	719	60	30	19	3
Paid Sub-divisional Courts { Tahsil	14,996	...	3,111	2,915	2,751	1,339	200	141	31	2,653	1,140	715	27	33	21	3
Paid Sub-divisional Courts { Munsifs	197,961	4	37,617	37,234	32,464	23,515	2,609	765	160	39,002	13,126	11,465	548	31	22	2
Small Cause Courts	22,089	...	2,684	4,347	4,261	3,821	143	84	11	4,289	1,232	1,217	176	17	14	2
District Courts other than Chief Courts of districts ...	22,302	2	3,928	2,286	2,196	1,515	343	200	37	6,051	3,259	2,485	304	56	37	3
Chief Courts of districts	3,019	1	294	261	199	202	28	34	7	928	565	500	148	72	53	4
Total ...	272,095	7	49,997	48,782	44,372	31,639	3,461	1,353	261	55,134	19,988	17,101	1,263	34	22	3
Divisional Courts	4	...	1	...	...	...	...	...	...	2	...	1	1	193	1	2
Chief Court	9	...	3	1	...	1	...	...	...	3	...	1	1	244	337	3
GRAND TOTAL ...	272,108	7	50,001	48,783	44,372	31,640	3,461	1,353	261	55,139	19,988	17,103	1,265	35	22	3

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PROVINCE OF PUNJAB IN THE YEAR 1889.

PART II.—*Miscellaneous Cases.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		Number of suits disposed of														
				Without contest.				*On reference to arbitration.*		*With contest.*				*Average duration of suits*		
CLASS OF COURT.	Total number of cases before the Courts.	Transferred.	Without trial.	Compromised.	Decreed on confession.	Decreed *ex-parte.*	Dismissed *ex-parte*	For Plaintiff.	For Defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.	Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Contested.	Uncontested.	Average number of days the parties or either, or any of them had to attend Court.
Honorary Courts	1,412	...	329	94	78	32	32	...	...	577	194	76	7	15	10	2
Paid Sub-divisional Courts ... Munsifs	28,314	...	6,970	1,336	1,451	848	252	14	3	10,002	5,451	1,987	30	21	16	2
Paid Sub-divisional Courts ... Tahsil	1,347	...	441	76	43	24	4	5	1	505	215	33	...	17	10	2
Small Cause Courts	1,236	...	250	115	23	42	9	1	...	507	244	45	...	11	14	2
District Courts other than Chief Courts of districts ...	5,764	...	2,286	140	142	76	69	5	...	1,643	1,078	325	13	21	11	2
Chief Courts of districts	5,659	...	1,304	111	67	290	83	5	...	2,458	808	533	25	23	15	2
Total ...	43,732	...	11,580	1,872	1,804	1,312	449	30	4	15,692	7,990	2,999	75	20	14	2
Divisional Courts	2,467	1	1,597	1	...	93	165	...	...	160	372	78	18	42	10	2
Chief Court	11	...	...	...	...	11	...	...	...	...	...	...	...	...	59	1
GRAND TOTAL ...	46,210	1	13,177	1,873	1,804	1,416	614	30	4	15,852	8,362	3,077	93	21	15	2

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS IN THE PUNJAB IN THE YEAR 1889.

PART I.—*Appeals from Decrees.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					HEARD *ex-parte*.				CONTESTED.								
CLASS OF COURT.	Total number of appeals before the Courts.	Transferred to other districts.	Decisions confirmed, section 551, Civil Procedure Code.	Dismissed for default or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded	Pending.	Number pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Objections allowed.
Appellate Courts other than Chief Courts of districts	...	...	...	..	...	...	...	...	...	...	...	...	...	..	...	...	...
Chief Appellate Courts of districts	10,520	37	1,774	468	200	20	75	33	3,540	866	1,545	1,009	953	40	28	79	23
Total ...	10,520	37	1,774	468	200	20	75	33	3,540	866	1,545	1,009	953	40	28	79	23
Divisional Courts — Appeals from original decrees	11,657	82	1,143	485	606	13	50	16	3,514	462	1,701	560	3,025	1,640	140	120	48
Divisional Courts — Ditto appellate decrees	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court ... — Ditto original decrees	275	7	11	7	...	...	...	...	41	29	23	14	143	123	474	2	1
Chief Court ... — Ditto appellate decrees	3,062	12	390	81	9	1	8	...	583	164	490	138	1,186	958	432	10	2
GRAND TOTAL ...	25,514	138	3,318	1,041	815	34	133	49	7,678	1,521	3,759	1,721	5,307	2,761	148	211	74

PART II.—*Miscellaneous.*

Appellate Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Appellate Courts of districts	863	5	168	63	9	1	4	4	227	7	123	176	76	2	27	6	2
Tota ...	863	5	168	63	9	1	4	4	227	7	123	176	76	2	27	6	2
Divisional Courts — Appeals from original orders	781	13	118	39	67	1	8	9	166	13	113	88	146	76	90	...	..
Divisional Courts — Ditto appellate orders	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	..
Chief Court ... — Ditto original orders	118	2	20	7	1	...	2	...	15	1	16	13	41	28	195	...	...
Chief Court ... — Ditto appellate orders	124	...	34	11	1	...	1	...	20	3	15	18	21	11	185	...	...
GRAND TOTAL ...	1,886	20	340	120	78	2	15	13	428	24	267	295	284	117	70	6	2

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB IN THE YEAR 1889.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		Applications disposed of										Realizations in decrees for money.			
			Satisfaction obtained in full.		*Satisfaction obtained in part.*							*Amount realized.*			
Class of Court.	Total number of applications to execute decrees for disposal.	By transfer under section 223.	Through the Court.	Under section 358.	Through the Court.	Under section 258.	Wholly infructuous.	Pending at the close of the year.	Pending over three months.	Pending over six months.	Value of money decrees in execution.	Without issue of coercive process.	After issue, but without execution of process.	With the issue of process.	Total realized.
											Rs.	Rs.	Rs.	Rs.	Rs.
Honorary Courts	5,680	16	1,883	32	1,165	20	1,980	584	90	24	2,13,879	5,001	15,146	62,520	82,667
Paid Sub-divisional Courts. { Tahsil ...	7,915	9	2,692	35	1,259	17	3,271	632	27	11	2,43,883	5,521	17,366	75,467	98,354
Paid Sub-divisional Courts. { Munsifs ...	153,663	737	36,339	483	29,314	278	68,811	17,701	1,779	1,001	69,25,023	1,99,241	4,47,221	15,85,572	22,32,034
Small Cause Courts	16,320	702	3,371	383	4,776	510	5,645	933	102	...	5,95,230	65,677	54,627	1,33,412	2,53,716
District Courts other than Chief Courts of districts	18,690	65	5,002	128	2,766	144	8,139	2,446	341	195	22,80,265	54,078	93,856	4,00,197	5,48,131
Chief Courts of districts ...	6,878	92	2,123	36	1,054	23	2,528	1,022	178	160	32,00,939	1,42,610	1,07,044	5,75,364	8,25,018
Total ...	209,146	1,621	51,410	1,097	40,334	992	90,374	23,318	2,517	1,391	1,34,59,219	4,72,128	7,35,260	28,32,532	40,39,920

STATEMENT No. 6—(*concluded.*)

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB IN THE YEAR 1889.

1a	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	Number of Applications.													
Class of Court.	On which processes were issued but not executed.	On which the judgment-debtor was arrested, but released without imprisonment.	On which the judgment-debtor was imprisoned	*On which moveable property*		*On which*				*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected.
				Was attached but subsequently released.	Was sold.	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property was sold.	Other immoveable property was sold.	Action was taken under section 305 or section 326, Civil Procedure Code.	Of moveable property.	Of immoveable property.			
Honorary Courts ...	1,322	86	5	1,577	334	136	...	90	17	65	186	3	...	70
Paid Sub-divisional Courts. Tahsil ...	1,382	101	2	2,198	326	160	...	29	6	9	370	2	..	2
Paid Sub-divisional Courts. Munsifs ...	43,038	3,101	276	33,102	5,940	5,224	27	1,740	443	109	4,448	34	28	16
Small Cause Courts ...	6,201	1,209	72	1,734	430	...	...	...	...	33	...	3	...	...
District Courts other than Chief Courts of districts ...	3,689	354	58	3,112	1,076	598	20	215	52	35	1,413	93	16	29
Chief Courts of districts ...	1,385	100	32	811	308	245	14	109	30	14	713	43	12	2
Total ...	57,017	4,951	445	42,534	8,414	6,363	61	2,183	548	265	7,130	178	56	119

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB, DURING THE YEAR 1889.

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344 AND THE NUMBER OF INSOLVENTS BEFORE THE COURT.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.								
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF.									NUMBER OF INSOLVENTS BEFORE THE COURT.				DISPOSED OF.				
		Filed during the year.							*Granted.*		*Rejected.*											*Discharged.*		
		By judgment-debtors.																						
CLASS OF COURT.	Pending at the close of the previous year.	Under arrest or imprisonment.	Not under arrest or imprisonment.	By decree-holders.	Received by transfer from other districts.	Total.	Transferred to other districts.	Withdrawn or otherwise not prosecuted.	A Receiver being appointed.	A Receiver not being appointed.	Penal proceedings under section 359 not being taken.	Sentence of imprisonment being passed under section 359.	Applicant being sent to the Magistrate to be dealt with.	Total.	Pending at the close of the year.	Remaining at the close of the previous year.	Declared to be insolvents during the year.	Received by transfer.	Total	Transferred.	Died.	Under section 351.	Under section 355.	Remaining at the close of the year.
Courts other than District Courts specially empowered under section 360, Civil Procedure Code	45	12	120	1	1	179	...	42	20	19	55	...	...	136	43	71	38	...	109	...	...	19	28	62
District Courts	33	23	142	...	...	198	...	74	22	10	42	...	...	148	50	24	41	...	65	...	...	19	25	21
TOTAL ...	78	35	262	1	1	377	...	116	42	29	97	...	...	284	93	95	79	...	174	...	...	38	53	83

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB, DURING THE YEAR 1889.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of insolvents' estates in the hands of Receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realized and outstanding.*			
CLASS OF COURT.	Pending at the close of the previous year.	Placed in charge of a Receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year	Unsatisfied and pending at the close of the previous year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realized assets in the hands of Receivers at the close of the previous year.	Gross amount realized during the year	Total amount of disbursements	Amount remaining in the hands of Receivers at the close of the year.
					Rs.	Rs.	Rs.	Rs	Rs	Rs.	Rs.	Rs.	Rs.
Courts other than District Courts specially empowered under section 360, Civil Procedure Code	45	20	13	52	3,49,113	2,05,130	21,260	56,005	4,75,126	10,095	70,562	60,181	20,476
District Courts	21	22	22	21	1,89,342	36,394	1,10,419	23,204	1,03,137	12,111	16,759	11,107	74,814
TOTAL ...	66	42	35	73	5,38,455	2,41,524	1,31,619	79,209	5,78,263	22,206	87,321	71,288	95,290

STATEMENT No. 8

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1889.

1	2	3	4	5	6
			ASSESSORS' TRIALS.		
				Number of cases in which the Judge differed from	
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors	Number of cases in which the Judge agreed with the assessors.	One assessor.	Both assessors
Divisional Courts acting under Act X of 1870	2	22	12	6	4

STATEMENT No. 9.

STATEMENT SHOWING THE NUMBER OF DAYS THE SENIOR JUDGE AND EACH OF THE JUDGES OF THE CHIEF COURT, PUNJAB, SAT IN COURT AND IN CHAMBERS IN THE COURT HOUSE DURING THE YEAR 1889.

1	2	3	4	5		6
Name of Judge.	Portion of year during which the Judge was as such present on duty.	Number of days on which the Judge sat in Court for hearing causes.	Number of days (if any) not included in col. 3, of which the Judge sat in the Court House for the transaction of administrative business.	AVERAGE LENGTH OF DAILY SITTINGS. (a). For hearing causes (column 3).	(b). For transaction of administrative business (column 4).	REMARKS.
Sir Meredyth Plowden	1st January to 14th May and 17th October to 31st December 1889 ...	143	8	7 hours.	6 hours.	There is ordinarily one meeting in each month of the 4 Judges, excluding the Additional Bench of 2 Judges for the transaction of the more important administrative business. The current administrative business is transacted from time to time, or daily by 4 Judges, excluding the Additional Bench of 2 Judges. The figures in columns 4 and 5 (b) show only the number of meetings of 4 Judges and their estimated average duration. The time spent by each Judge on current administrative business cannot be ascertained, nor is it always transacted in the Court House. The holidays on which Judges came to the Court House to write judgments, &c., are not shown.
Mr. Justice Burney	1st January to 22nd April	80	4	Do.	Do.	
Mr. Justice Tremlett	1st January to 10th March	51	2	Do.	Do.	
Mr. Justice Powell	1st January to 30th April	73	...	Do.	...	
Mr. Justice Roe	1st January to 14th October and 30th October to 31st December ...	197	11	Do.	6 hours,	
Mr. Justice Frizelle	The whole year ...	196	7	Do.	Do.	
Mr. Justice Benton	22nd March to 31st December ...	174	5	Do.	Do.	
Mr. Justice Rivaz	23rd April to 31st December ...	143	7	Do.	Do.	
Mr. Justice Stogdon	1st May to 14th August...	62	...	Do.	...	
Mr. Justice Chatterji	15th May to 14th August	53	...	Do.	...	

SUPPLEMENTARY STATEMENT A.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE DISTRICTS OF THE PUNJAB.

District.	1887.	1888.	1889.
	Rs.	Rs.	Rs.
Delhi	21,52,823	12,43,490	18,66,270
Gurgaon	1,99,255	2,19,502	2,49,669
Rohtak	1,92,569	2,60,399	3,14,861
Karnal	2,53,743	4,95,192	2,71,360
Umballa	7 64,277	10,74,685	10,75,344
Ludhiana	7,70,497	7,44,162	8,44,298
Simla	3,18,495	3,96,526	3,00,460
Jullundur	9,06,162	11,86,081	10,94,259
Hoshiarpur	10,19,401	10,00,379	9,30,732
Kangra	2,68,984	3,70,360	3,96,001
Kulu	28,411	23,721	32,521
Amritsar	17,14,151	17,25,122	14,54,169
Gurdaspur	7,42,479	11,60,126	11,23,377
Sialkot	9,42,748	14,66,882	12,85,100
Gujranwala	5,49,586	6,86,582	8,44,814
Lahore	12,98,939	11,12,742	15,30,108
Ferozepore	10,09,918	11,36,854	10,08,513
Hissar	2,70,787	2,66,892	3,27,010
Mooltan	7,15,428	7,02,215	8,67,986
Jhang	2,55,443	3,86,936	3,81,882
Montgomery	2,21,045	2,43,768	2,59,571
Muzaffargarh	2,65,963	3,35,176	2,83,066
Jhelum	5,39,708	6,69,210	5,71,771
Gujrat	4,23,046	7,08,599	5,76,919
Rawalpindi	9,62,439	8,46,649	8,49,965
Shahpur	3,59,698	3,62,449	3,84,698
Dera Ismail Khan	3,89,412	4,67,747	3,86,769
Dera Ghazi Khan	2,19,485	2,24,120	2,17,486
Bannu	2,45,267	4,49,929	2,86,643
Peshawar	5,28,091	5,84,583	4,00,025
Hazara	1,37,695	4,00,763	1,65,004
Kohat	1,24,678	1,49,988	1,24,450
Grand Total ...	1,87,90,623	2,11,01,829	2,07,05,101

APPENDIX TO THE CIVIL REPORT.

1889.

EXTRACTS FROM DIVISIONAL AND DISTRICT REPORTS.

Extracts from Annual Civil Reports of Divisional and District Judges.

SUBJECT-CLASSIFICATION OF SUITS

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. R. L. Harris).

Variations noticed

It will be thus seen from the statement that there are great fluctuations under "Suits for money or moveable property," in all the districts of this division.

Suits on registered bonds have decreased in all the districts except Rohtak, while those on unregistered bonds show a decrease of 3 per cent in Delhi, and a corresponding increase of 3 per cent in Karnal. In the other two districts the variations under this head are very slight.

Suits otherwise than on bonds show an appreciable increase in Delhi and Karnal, while in the remaining two districts they indicate a marked decrease.

In Delhi and Rohtak, there is an increase of 4 and 5 per cent respectively, under head "Suits on account stated," while in Gurgaon and Karnal they exhibit a decrease of 6 and 13 per cent. The District Judge of Karnal in noticing the above decrease remarks that "it is in part due to errors in classification."

Suits for moveable property or value thereof have decreased considerably in all the districts except Rohtak, where the figures for both years were exactly the same.

The fluctuations under head "Other suits" are not very serious, and, with the exception of one or two, call for no minute comment.

Suits for immoveable property indicate a noticeable increase in Delhi, Rohtak and Karnal, and a slight decrease in Gurgaon, while suits relating to marriage, divorce &c., have increased remarkably throughout the Division.

There were 4 suits under the Punjab Tenancy Act in the Rohtak district as against none in the preceding year. In other districts there were no such suits at all.

It will be seen that the proportion of cases brought by Bankers and Shopkeepers against agriculturists in Delhi and Gurgaon, has increased steadily from 20 and 55 per cent in 1887 to 27 and 67 per cent., respectively, in the year under report, which is not at all satisfactory, as it seems to indicate the increasing indebtedness of the agricultural classes.

In Rohtak the proportion of such cases has again increased by 13 per cent in comparison with the figures of the past year, but it is still much below that of the preceding year which was 68 per cent.

The percentage of such cases in the Karnal district shows a considerable falling off from 1887. The ratios for the past 3 years were 57, 52 and 44 per cent respectively.

DISTRICT JUDGE, KARNAL.

(Mr. J. R. Drummond).

There seems to have been a real decrease in suits founded on alleged statements of account recorded in the money lender's book, due to some extent at least to a more vigilant application of the law relating to the stamping of documents.

There is a general rise in suits relating to immoveable property, but the chief increase under this head is in suits pertaining to land not assessed to Government Land Revenue.

The extension of Railway communication towards the district sufficiently accounts for the increase of litigation about houses and shops and building plots, especially in the town of Panipat.

Suits relating to betrothal, &c., also show an increase as compared with the previous year, but are not much in excess of those for the year 1887.

The number of suits brought by bankers against agriculturists during the year was 1,031 as compared with 1,336 in the preceding year.

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. T. Roberts).

Of late years the Civil returns have indicated a tendency to avoid the registration offices, except where the law makes registration compulsory; but in 1889, the number of suits on registered bonds was maintained in the Umballa and Ludhiana districts, while in

Simla there was a slight decrease in suits on bonds registered and unregistered alike. In Ludhiana there was a considerable falling off in suits on unregistered documents, and in suits on verbal contract within Simla and Ludhiana. In Ludhiana also there was a remarkable decrease of 530 cases in suits by money-lenders against agriculturists.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Mr. T. Troward).

The suits on unregistered bonds, the suits for possession, and the suits by bankers against agriculturists rose by 236, 195 and 565 cases respectively, and those for moveable property fell by 299 cases.

The rise in suits for immoveable property is noticeable. The District Judge notes that in 1888 these suits rose by 293 cases as compared with those instituted in 1887, and last year they rose still further by 195 cases. A reference to the Civil Report of the Province for 1888, shows that the rise in the institutions of these suits was general throughout the Province in that year. Probably the facilities for realizing money from land, on which a distinct lien has been created, became more appreciated from year to year, and hence a greater number of pecuniary transactions are effected upon the basis of mortgages.

No particular reason appears assignable for the increase in the other two classes of cases mentioned.

DISTRICT JUDGE, KANGRA.

(Mr. W. B. DeCourcy).

The district is under Settlement, and this probably accounts for the comparatively large number of suits for immoveable property. It is under last year it is true, but still, I think, it is large as compared with the total number of institutions.

Suits relating to marriage, divorce and dower were large as compared with last year.

In 1888 there were	...	...	..	148
In 1889 „	...	...	...	201

I am not surprised to see this among a people of this character. With regard to betrothals here, as everywhere else, there is a money inducement for breach of contract; with regard to enforcement of matrimonial rights, I may say that the question is one involved in some difficulty, as some think and some do not, that the "Janjrara" form of marriage is good, the consequence is that it is possible to see three men claiming the same woman. At all events it appears to be the fact that it is not a form of marriage for which the woman has much respect, and then it has been ruled that such marriage is not valid within the meaning of section 494 of the Indian Penal Code. There is thus the curious spectacle of a man failing to have his enemy punished for bigamy, and yet able to maintain a suit for his wife's custody in a Civil Court; lastly, with regard to suits for dissolution of marriage, I wonder that they are not more in number, I note there were none last year, and that this year there were 4. Suits connected with dower must necessarily be small, where the Mahomedan population is so small. Similarly, only for a different reason, suits for dissolution of Partnership must also be few in number, as there is really no trade of importance or such trade as might be called city trade.

DISTRICT JUDGE, AMRITSAR.

(Mr. Carr Stephen).

I see in the returns of 1887 that 253 suits were instituted under the head of "Money had and received," and in 1888, the institution is represented by the figure 1, and in the year under report by 6. I am confident that there is a mistake somewhere, and that the description of the heading is not understood.

DISTRICT JUDGE, GURDASPUR.

(Col. J. B. Hutchinson).

The number of suits brought by bankers and shop-keepers against agriculturists was 9,225 as against 8,923 in the previous year, being an increase of 302 or 3·2 per cent.

The table below gives the number of such suits and the proportion they bear to the total litigation of the district for the past 2 years:—

Year.		Total litigation.	Bankers suits.	Percentage.
1888	...	16,049	8,923	55
1889	...	15,423	9,225	59

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Mr. M. Macauliffe).

In the Gujranwala district the largest increase is under the following heads :—

1.	For rent other than of land ...	... 60	113+53
2.	For moveable property or value thereof	... 380	704+324
3.	For immoveable property ...	. 827	913+86
4.	Declaration of rights ...	... 59	77+18

The increase in suits for immoveable property and for declaration of rights is, the District Judge remarks, due to the currency of Settlement operations in that district, but there is also a Settlement in progress in the Sialkot district.

DISTRICT JUDGE, SIALKOT.

(Major J. A. L. Montgomery).

There is a tangible decrease in suits on contracts not in writing and a small one on accounts stated. It is in the latter class of cases and in ordinary bond cases that forged papers are frequently brought forward. A money-lender has only to bring two of his friends to swear that a certain balance was struck on bond written before them, and a decree often follows. Where the money-lender keeps no daybook, there is an unlimited scope for falsifying accounts. I confess I should like to see a law passed that no accounts stated should be accepted, if not acknowledged by the debtor, unless the creditor could produce account books properly kept up in business like manner. A certain number of men have been punished for forgery during the year. The result is that hardly a day passes now, but I get, as District Magistrate, complaints of forgery against money-lenders.

Of course the great majority of the complaints have to be dismissed *in limine*; but enquiries are made in a certain number, and I have no doubt such enquiries do some good, even if they do not result in convictions.

There is also a large reduction in suits for inheritance. I am glad to note this. Had there been an increase, the Civil Courts would certainly have laid the blame on the shoulders of the unfortunate Settlement Department, which is so generally held responsible for an increase in litigation.

DISTRICT JUDGE, GUJRANWALA.

(Mr. D. J. Ibbetson).

The increase in the suits for immoveable property and for declaration of rights is probably accounted for by the currency of Settlement operations, but I can offer no explanation of the variations in the other figures. It would appear that it is becoming more and more the practice to take bonds for debt.

DISTRICT JUDGE, FEROZEPORE.

(Rai Bahadur Buta Mal).

Last year I remarked upon the steady increase of two classes of suits, *viz.*, suits by money lenders against agriculturists and suits for the recovery and possession of immoveable property. The year under review shows a tendency in the opposite direction. The reason assigned by me for the increase in the previous year was the shortness of the period of limitation and the growing value of land, which induced money-lenders and capitalists to deal more and more largely with agriculturists, who had the best security and the best investment to offer in landed property. The tendency to decrease now noticed can only be explained with reference to the action of the Courts in scrutinizing the claims more strictly and to the increased caution exercised by the revenue authorities in sanctioning sales of land in execution of decrees. To obviate the difficulty of enforcing claims by sale of the debtor's land there is a growing tendency on the part of money-lenders to obtain mortgages by way of conditional sale, and applications for service of notice of foreclosure are getting more and more frequent. With all this, however, regular suits for foreclosure are seldom instituted, from which it may be inferred that, in the great majority of cases, the mere service of notice enables the creditor either to obtain the execution of a sale or the payment of his money with interest out of Court.

DISTRICT JUDGE, HISSAR.

(Mr. R. L. HARRIS).

The number of suits instituted on contracts in writing was about the same as in 1888. This was to be expected, as limitation will not wait for the borrower when the loan is put in writing.

As to suits for money and moveable property, the large decrease is almost entirely in suits on verbal contract and account stated.

As to suits for immoveable property, a considerable increase under the heads of inheritance, pre-emption and other causes is shown by the figures. This is probably due to the fact of Settlement operations being in progress, the increase in preemption suits following the general increase in suits for immoveable property. There seems nothing calling for remark in regard to the other classes of suits in this statement.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Col C. H. T. Marshall).

The only heads under which there has been any increase, and that a very slight one, are for money had and received and suits for immoveable property. The most noticeable decrease is in contracts not in writing and accounts stated, namely, 222.

DISTRICT JUDGE, MONTGOMERY.

(Mr T. J. Kennedy).

The decrease in suits upon balances struck is by no means to be regretted, for the facility with which these balances were admitted in evidence against defendants was a fruitful source of false cases, it having become a common practice of the money-lenders of the district when they lost cattle by theft or otherwise, on being unable to recover them from the men they held responsible for the loss, to debit the latter with the value of the lost cattle in their account books, and sue for the recovery of these fictitious items in the Civil Courts.

DISTRICT JUDGE, GUJRAT.

(Mr. C. E. Gladstone).

Column 5 of statement No. II, Part II shows an increase of 51 or 15·04 per cent in cases of objections. There were filed 339 during the year, against 288 in 1888.

The cause of this is due to one of two things, either judgment-creditors are attaching recklessly property of judgment-debtor's relatives to put on pressure—or the practice of making fraudulent conveyances of property by judgment-debtors to evade judgment is increasing. I have called on two Courts to take severe notice of both offences. I have not been in the district long enough to say more precisely which is the cause of the increase.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Mr. F. P. Beachcroft).

The greatest difference under any one head, is the increase of 17 per cent in suits for possession of immoveable property as compared with the previous year.

The increase in the Rawalpindi and Shahpur districts under this class of suits is 21 and 5 per cent respectively.

The District Judge of the former district remarks that "this is due to the fact "that money-lenders have become more chary of lending money unless the borrower "charges the sum on his land at once."

The number of suits which were brought by bankers or shop-keepers against agriculturists has slightly increased, from 7,778 in 1888 to 7,788 in the year under report.

There was a decrease of 6 per cent in the Rawalpindi district, while in that of Shahpur there was an increase of 8 per cent as compared with the year 1888 and a decrease of 10 per per cent over the figures of 1887.

With regard to the increase and decrease in the latter district, Mr. Wilson states that "it was chiefly this class of suits that was affected by the appearance of cholera. "The increase in land suits is perhaps partly due to the progress of Settlement operations "which bring disputes to a head."

The proportion of this class of suits to the total number instituted during the year 1889, was the same as in the previous year, namely 48 per cent.

The proportion of this class of suits to the total number instituted, was 41 and 61 per cent in the Rawalpindi and Shahpur districts as against 42 and 62 per cent in the preceding year.

DIVISIONAL JUDGE, DERAJAT.

(Mr. H. B. Beckett).

Suits for money or moveable property, that is, suits of a nature cognizable by a Court of Small Causes, constituted 87 per cent of the total civil litigation of the division.

The number of suits brought by bankers or shop-keepers against agriculturists shows a satisfactory decrease of 2,178 or 26 per cent.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. T. H. Homan.)

It will be seen that there is this year a considerable decrease in the number of cases instituted, and that the decrease is not confined to any special class of suit, but comprises every description. The decrease chiefly took place in the last half of the year, and may be attributed to the people being laid low in exceptional numbers with malarial fever, and perhaps also to the money-lenders in the Dámán waiting to see the result of the large dams constructed by Government there during the hot season. The decrease in the institutions lessened the work in all classes of Courts except that of the Munsifs, and would have lessened the work in the Court of the Munsif of Karor, had there been, as there was last year, a Naib-Tahsildar at Bhakkar invested with civil powers.

DISTRICT JUDGE, DERA GHAZI KHAN.

(Mr. M. L. Dames).

The number of suits by bankers and shop-keepers against agriculturists shows a decrease of 885 as compared with the previous year. This decrease is probably due to last year's harvest being a good one. Agriculturists were in consequence enabled to pay their instalments on due dates, and saved themselves from suits by bankers and shop-keepers. Suits for the enforcement of matrimonial rights show a further decrease of 18 during the year under report; this is evidently due to the enhancement of stamp duty for such class of suits.

DISTRICT JUDGE, BANNU.

(Mr. A. C. Greer).

During the year under review there was a considerable decrease in both classes of suits. The most noticeable variations are in the cases of—Registered bond (decrease of nearly 50 per cent), Moveable property or its value (decrease of nearly 30 per cent), Damages (increase of 200 per cent), Immoveable property (decrease of 26 per cent), Betrothal, divorce and dower (increase of 38 per cent). Only 865 suits were brought by money-lenders against agriculturists, as against 1,324 in the previous year. This decrease is satisfactory and must be attributed to the good season which enabled a greater number of cases to be settled out of Court.

The falling off in suits for immoveable property is concurrent with the general fall in prices of agricultural produce and the favorable season, which lowered the value of land for the time being, and made it not so keenly sought after as in former seasons when prices were high.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. A. Christie.)

In Peshawar the noticeable decrease is in the number of suits:—

	Decrease.
On unregistered bonds	223
Otherwise than on bonds	676
For immoveable property	151
Suits by bankers against agriculturists	444

The chief decrease in suits "otherwise than on bonds" is in the sub-head "Suits on account stated" which have decreased by 618, as mentioned in subject I of the district report. The reason given there that money lenders take bonds now in most caseswhere they used formerly to rely on books alone, does not seem to be to the mark as in that case the deficiency would have been made good by a corresponding increase in the number of suits on bonds, whereas these have also decreased by 225 as already noticed.

As to suits for immoveable property, the decrease is due to the settlement in a great measure, in previous years, of disputes regarding the lands irrigated by the Swat Canal, and to the efforts of Captain Deane to effect an amicable partition of canal irrigated lands still entered as Shamilat-i-deh.

The decrease in suits against agriculturists has been correctly attributed to the difficulty and delay in execution of decrees against small land-owners.

In Hazara and Kohat the principal decreases were under the following heads,—

	Decrease.
Hazara.	
Suits otherwise than on bonds	170
„ for immoveable property	179
Kohat.	
Suits for moveable property	86
„ for immoveable „	51

I cannot assign any reason for the decrease in Hazara unless it be owing to the very praiseworthy working of the Munsif during the last two years. A large majority of the cases

are decided by him, and the fact that he invariably takes great trouble to arrive at a just conclusion has, I think, doubtless had a tendency to check the false claims for which Hazara is notorious.

As to Kohat, the chief decrease in suits for moveable property was in the Courts of the Honorary Civil Judges, which was due to the illness and subsequent death of the Nawab of Khuttuk, a Civil Judge, and the engagement of his son, also an Honorary Civil Judge, in matters connected with his funeral.

The decrease in suits for immoveable property is owing to the large number of cases which followed the conclusion of the Barak Settlement in 1887, having been disposed of in that and the following year.

SUBJECT—VALUE AND COST OF SUITS.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. R. L. Harris).

The average value of class (1) is much the same in all districts in both years, while the average value of class (2) indicates a marked variation in different districts, which is probably explainable from the issue of the rules for calculating the true value of land assessed or subject to assessment.

The large increase in the average value of suits under class (3) in the Delhi district, is attributed by the District Judge to the institution, during the year under report, of three cases of the value of over one lakh of rupees each, while the enormous decrease under this head in the Karnal district is due to the fact that in 1888 there was one suit exceeding two lakhs of rupees in value, which had increased the average value to an abnormal figure.

The large increase in the average value of suits under class (4), over that of the preceding year in the Karnal district is not explained by the District Judge. The changes in the other districts are not very material.

Of the total number of suits disposed of during the year, 85 per cent were for money or moveables not exceeding Rs. 500 in value. The percentages of 1887 and 1888 under this head were 88 and 86 respectively.

The fluctuations in the average cost of suits and percentage of costs to value under head "Other suits," has undergone a marked decrease in Delhi and Karnal only. In other districts the figures for both years are practically the same.

DISTRICT JUDGE, UMBALLA.

(Mr. G. L. Smith.)

The aggregate value of suits instituted during the year under report is Rs. 10,75,344 as compared with Rs. 10,74,685 in the last year showing an increase of Rs. 659. The difference does not call for any remarks.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Mr. T. Troward).

The value of suits having a determinate value fell by Rs. 91,822, while the number of such suits fell by 75 cases only. This fall, the District Judge notes, is attributable to the change in the mode of valuing suits introduced by Chief Court's Book Circular No. IV, dated the 9th March 1889, under which, in suits for land, 30 times the revenue of the land is taken to represent its value, whereas the actual market value is invariably greater.

In 1889, when, under the rules, the value of land in suits was fixed at thirty times the revenue, the Court fees in suits for money or moveable property amounted to Rs. 2,139, and the pleader's fees to Rs. 2,121 *i. e.*, only, Rs. 18 less, and the Court fees in other suits consisting mainly of land cases amounted to Rs. 6,929, while the pleader's fees amounted to Rs. 12,444, *viz.*, double the amount of Court fees. This proportion will appear the more striking when it is borne in mind that pleaders were engaged in only about a third of the cases disposed of in this Court. If to these figures the figures of the returns of the Chief Court under the same heads are added, one is led to the conclusion that the item of pleaders' fees falls particularly heavy on the agriculturists who institute suits for land.

DISTRICT JUDGE, KANGRA.

(Mr. W. B. DeCourcy).

It would indeed be interesting to know what the value of a case, under any of the above heads, would be where a Pleader was employed; but I suppose we shall never be able to obtain this information—for all that, we know that litigation has become very expensive.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Mr. M. Macauliffe).

In the Sialkot district there is a decrease in the total value of suits as compared with the previous year.

In that part of the Gujranwala district, through which the new canal flows, the average value of land has largely increased, and hence the increase in the value of suits.

DISTRICT JUDGE, SIALKOT.

(Major J. A. L. Montgomery).

The main decrease in value is in suits for money or moveable property, and for land assessed or subject to assessment.

The reduction in the former case may be accounted for by the smaller number of institutions. In the latter the decrease is due partly to the decrease in institutions, and partly to the introduction of the new system in calculating value in land cases. It is said that under the old rule litigants often put a fictitiously high value on land suits at the instigation of Pleaders and Mukhtars, in order to ensure the cases being heard at Sialkot. I do not know how far this is true. It is remarkable that in this district at all events, the rules under the Suits Valuation Act have resulted in a reduction in the value of land suits.

DISTRICT JUDGE, GUJRANWALA.

(Mr. D. J. Ibbetson).

The average value of suits for land and for other immoveable property showed a considerable increase last year, while this year the increase is still greater. The currency of Settlement operations probably explains the former figures.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris).

The increase in cost as compared with the last two years has been marked, and shows that the classes of suits being more important, Counsel had to be engaged. I believe, however, that the increased figures are also due to assessing Pleaders' fees on the money value of suits relating to land instead of on five times the annual jama.

DIVISIONAL JUDGE, FEROZEPORE DIVISION.

(Colonel. H. J. Lawrence).

While the number of suits has decreased in both districts, the average value has increased. As the District Judge of Hissar points out, this result is probably due to the fact that the decrease in cases has occurred in suits for money and moveable property.

DISTRICT JUDGE, FEROZEPORE.

(Rai Bahadar Buta Mal).

The decrease in value is, I think, to a great extent due to the new rules under the Suits Valuation Act, 1887, published with Chief Court Book Circular IV of 1889. These rules were framed to determine the value of land in certain suits, with effect from 8th April 1889.

Among the items constituting costs, while the total amount paid in Court Fees has increased by Rs. 5,159, that paid in process fees has decreased by Rs. 2,399. This decrease is owing partly to the decrease in the number of suits and partly to a larger number being disposed of by Courts of the fourth grade, which charge the minimum fee for the issue of process.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Colonel C. H. T. Marshall).

The value of suits in Jhang and Montgomery has risen; in Mooltan it is about the same as last year, there is a decrease in Muzaffargarh. No special remarks seem to be called for on this subject.

DISTRICT JUDGE, MOOLTAN.

(Mr. W. Chevis).

The costs do not include fees paid to petition-writers, and actual pleaders' fees, which are always higher than allowed by the prescribed rules, and consequently the costs as here shewn do not represent the actual expenses incurred by the litigants.

DISTRICT JUDGE, JHANG.

(BARON J. BENTINCK).

The costs do not represent the actual expenses incurred by the litigants, as they do not include the fees paid to the petition-writers and the expenses of the witnesses not summoned through the Court, and, besides, the pleaders generally make their own terms with the clients, and the fees paid to them are higher than the prescribed rates.

DISTRICT JUDGE, MONTGOMERY.

(MR. T. J. KENNEDY).

The most noticeable features are—(1) the considerable rise in the average value of money suits, due to a cause already mentioned, and (2) the considerable rise in the average value of suits for land assessed or subject to assessment, due probably to the operation of the rules recently issued by Government under the Suits Valuation Act. There is a considerable rise also in the value of suits of class (3), and a fall in suits of class (4); but the number of suits affected is so small that no safe deduction can be drawn.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(MR. F. P. BEACHCROFT).

The average value of suits for money or moveable property and other suits has decreased from Rs. 77 in 1888 to Rs. 74 in the year under report. There was a decrease of Rs. 10 in the Rawalpindi district, and an increase of Rs. 8 in that of Shahpur. The average cost of suits and percentage of costs to value was the same as in the previous year, namely Rs. 8 and 10.

DISTRICT JUDGE, SHAHPUR.

(MR. J. WILSON).

The increase and decrease do not call for any particular remark.

On the subject of costs paid by litigants, it may be observed that the several items shown as costs in decrees do not represents only the actual costs.

The food and the travelling expenses of the parties and their witnesses, who voluntarily attend the Courts, are not shown on the record.

Sometimes the Pleaders make their own terms with their clients and the percentage shown in the record of the Pleaders' Fees represents only a portion of what has actually been paid

DISTRICT JUDGE, PESHAWAR.

(MR. A. CHRISTIE).

The increase in Hazara in the average value of suits has been ascribed to action under the rules issued as to valuation of suits.

SUBJECT—ORIGINAL SUITS

DISTRICT JUDGE, LUDHIANA.

(MR. F. L. BAILEY).

As to disposal of cases, the only point requiring to be noticed is the matter of reference to arbitration. The percentage of cases referred to arbitration in the year 1886, 1887 and 1888 was 2·6, on the average, per annum. In 1889, the percentage shows only about ·5. The conclusion to be drawn from this is either that the natives prefer to trust their cases to our Courts rather than to their friends, or that they prefer a wrangle in Court to an amicable settlement out of it.

DISTRICT JUDGE, KANGRA.

(MR. W. B. DECOURCY).

It will be noticed that there were but 43 references to arbitration, and that 23 of these were by the Courts of the Honorary Civil Judges; the Rihloo Court alone scoring 16 references, such references were 65 last year, and I am glad to see the decrease in them, since, as a rule, arbitration is not a satisfactory way of working, except where a thoroughly reliable and intelligent man is procurable. Such men are not common now-a-days.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(MR. M. MACAULIFFE).

In the Gujranwala district, there has been a great decrease in the disposal of cases in the Courts of Extra Assistant Commissioners, and this the District Judge remarks is due to the constant transfer of officers during the year.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris).

I might note that I made special efforts without derogation from the dignity of the Court, to bring about compromises as a check on useless appeal and its attendant circumstances. Compromises at various stages of the proceedings were effected, both parties, as a rule, being more willing to come to terms after having the evidence of witnesses recorded than before, as the strength or weakness of one's claim was then discovered. Although these compromises are shown as suits disposed of without contest, they really have occupied a great deal of the time and attention of the Court. In many cases as much as the regular disposal of the suit on the merits would have occupied.

DISTRICT JUDGE, MONTGOMERY.

(Mr. T. J. Kennedy).

A comparatively high duration of cases in this district is inevitable on account of (1) the size of the district; (2) the location of only one Munsif's Court, which does the bulk of the civil work and is established at the head-quarters of the district; (3) the migratory character of the bulk of the population, which makes service of process difficult; but I am inclined to think that the present average duration is unnecessarily high.

SUBJECT.—AGENCY BY WHICH SUITS WERE DISPOSED OF.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. R. L. Harris).

Amongst the Honorary Civil Judges of this district, Mir Riaz-ul-Hasan of Kaithal turned out the largest amount of work. Out of 346 cases decided by these officers, no fewer than 316 were disposed of by this officer alone.

Bhai Jasmir Singh, Honorary Civil Judge of Arnauli, disposed of only 24 cases or 2 per month; and he had only 3 contested cases in the whole year.

DISTRICT JUDGE, DELHI.

(Mr. S. Clifford).

As usual the bulk of the Civil work was disposed of by the Judge of the Small Cause Court and the Munsif, the rest of it being proportionately divided among the remaining Courts.

DISTRICT JUDGE, GURGAON.

(Mr. J. R. Maconachie).

The Munsif sitting at Rewari for six months has done about 12 per cent of the whole work; Tahsildars have done somewhat less; Extra Assistant Commissioners much less; the Honorary Civil Judge somewhat more.

DISTRICT JUDGE, KARNAL.

(Mr. J. R. Drummond).

The only difference is that a share of original work was transferred to Munsifs of the first class from the Subordinate Judge's shoulders.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Mr. T. Troward).

The District Judge notes that the majority of land cases made over to the Munsifs were under Rs. 100 in value. Under instructions conveyed in Chief Court's Circular Memo. No. 47—5013, dated the 24th December 1889, arrangements are being made to relieve the Munsifs as far as possible of land and unclassed suits, and to make over to them small causes mainly.

DISTRICT JUDGE, JULLUNDUR.

(Diwan Ram Nath).

It will be observed that land suits for each Munsif were 218 only per annum, or about 18 cases per mensem, and the remaining were heard by Courts other than the Munsifs. A glance at the statement No. III (shewing pending suits) will also shew that land suits sent to Munsifs were generally of less than Rs. 100 in value, for out of 1,222 land suits sent to them 799 were of less than 100 Rupees in value.

It should also be noted that it was through the Divisional Judge, Mr. Troward's exertions that the Sadr Extra Assistant Commissioners and Tahsildars have begun to

take sufficient Civil business. It was always objected that the Extra Assistant Commissioners were fully occupied with Criminal and other works, and in the case of Tahsildars, the matter was referred to the Commissioner, who at last decided that each Tahsildar should take 10 land cases in a month.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Mr. M. Macauliffe.)

Less civil work has been done by the Tahsildars. This is a subject of great satisfaction to me. In land suits I find Tahsildars make, as a rule, the worst possible Civil Judges. I would give them no land suits at all to decide. Even when a Tahsildar is not improperly influenced, he is apt to look at judicial work from an administrative stand point.

DISTRICT JUDGE, SIALKOT.

(Major J. A. L. Montgomery.)

With reference to the remarks on last year's report as to the tendency to throw more and more Civil work on the shoulders of Munsifs and to relieve Extra Assistant Commissioners, it appears that the disposals by the 6 Munsifs of the district have been respectively 80, 81 and 82 per cent of the whole disposals in the years 1887, 1888 and 1889.

DISTRICT JUDGE, GUJRANWALA.

(Mr. D. J. Ibbetson).

The tendency would appear to have been to relieve the Assistant Commissioners and Extra Assistant Commissioners at the expense of the Munsifs. But the criminal work is very heavy in this district, and it is difficult to alter this distribution. I disapprove strongly, however, of so many land cases going to the Munsifs; and I have issued orders that no Munsif is to entertain direct a suit for land assessed to revenue or for rights in such land.

DIVISIONAL JUDGE, FEROZEPORE DIVISION.

(Col. H. J. Lawrence).

The time of the Munsifs was fully occupied, and they disposed of a large number of other than Small Cause Court cases.

I fully agree with the District Judge of Ferozepore in thinking that great caution should be exercised in conferring jurisdiction on Honorary Civil Judges, in other than Small Cause Court cases.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Col. C. H. T. Marshall).

The District Judges have had very little original civil work except at Mooltan, where 82 cases were disposed of, but that was 150 less than in the preceding year.

The Sub-Judges show a good increase of work in each district, but the Mooltan Assistant Commissioner's Court only shows half the amount of work compared with the proceding year. The Extra Assistant Commissioners also in that district are some 200 short; no reason is given for this.

The Munsifs and Tahsildars have done about the same amount as last year; the bulk of the work falls on them. The Honorary Civil Judges, Mr. Broadway and Rai Bhag Rai, have disposed of more cases, and their Courts are said to be popular.

Mr. Kennedy points out that the local officers have a far larger percentage of contested cases than the officers at head-quarters, although the latter class of cases are of higher value. He thinks that the difficulties and expense of going long distances to head-quarters induce the people to compromise among themselves as much as possible.

DISTRICT JUDGE, JHANG.

(Baron J. Bentinck).

The Extra Assistant Commissioners disposed of 582 cases as follows:—

No. of days employed.		Cases disposed of.	Contested.
334	Rai Basant Lal, Rev. Officer ...	97	47
139	Syad Dilawar Ali Shah, Extra Assistant Commissioner ...	180	72
31	Diwan Lila Ram, Offg. Extra Assistant Commissioner ...	11	6
219	Mian Nizam-ud-din, Offg. Extra Assistant Commissioner ...	294	88

The Munsif of Jhang disposed of 3,336 cases, or 836 more than 2,500, the maximum number of cases which a Munsif should dispose of.

DISTRICT JUDGE, JHELUM.

(Mr. J. G. Silcock).

There have been frequent changes among European Officers during the year, hence they have not been able to dispose of many cases, and the Native Officers have likewise been transferred frequently.

The Munsifs have disposed of a much larger number of cases than in the preceding year, while the Tahsildars have done very little.

Tahsildars have, however, their regular revenue suits to dispose of, which employ almost all their time.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Mr. F. P. Beachcroft).

The proportion of the work done by the Munsifs in the Rawalpindi and Shahpur districts was 71 and 83 per cent during the year under report, as compared with 69 and 80 per cent in 1888, being an increase of 2 and 3 per cent respectively.

The work done by the Tahsildars in the Rawalpindi district was 7 per cent or 1 per cent less than in 1888, while in Shahpur it was 6 per cent as against 4 per cent in the previous year, or 2 per cent more than in 1888.

The number of civil suits disposed of by the Honorary Civil Judges in the Rawalpindi and Shahpur districts was 64 and 257, as compared with 50 and 182 in the previous year, respectively, being an increase of 89 cases.

The proportion of disposals in the Courts of the Exra Assistant Commissioners has fallen from 6 per cent in 1888 to nearly 4 per cent in 1889.

It was 4 per cent in each of the districts of Rawalpindi and Shahpur as compared with 6 and 7 per cent in the previous year, or a decrease of 2 and 3 per cent respectively.

The work done by other officers was nearly the same as in 1888.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. H. B. Beckett).

Of the 1,189 cases disposed of by the Honorary Courts, 818, against 1,145 in the previous year, were disposed of in Dera Ghazi Khan, their work was, on the whole, highly satisfactory.

DISTRICT JUDGE, BANNU.

(Mr. A. C. Greer).

The Munsif and the Assistant Commissioner have taken a smaller share in the disposal of civil suits than last year, and the other Courts a nearly equal or a larger share. With regard to the Assistant Commissioner it should be explained that he was only working as such for half the year. The amount of work disposed of by the Honorary Civil Judge is satisfactory. The Munsifs both had light work. Taking them together they decided only a third more than one Munsif is supposed to decide by himself in the year, *viz.*, 2,200 cases; and as said before, only 37 per cent of the cases they decided were contested. A good number of the cases decided by the Munsif were other than small cause cases; and taking each of them as equal to two small cause cases we should credit the Munsifs with having decided 3,227 small cause suits.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. A. Christie).

The Assistant and Extra Assistant Commissioners in Peshawar devote much of their time to the disposal of criminal work which is heavy in that district.

In Hazara there is a noticeable decrease in the number shown against all the agencies except that against Extra Assistant Commissioners and Munsifs, which shows an increase.

The suits disposed of by the Munsif have increased by 301 which is considerable, seeing that a larger number of the suits decided by him relate to land.

SUBJECT.—ORIGINAL SUITS. MISCELLANEOUS CASES.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. R. L. Harris).

An examination of the returns of the different districts of this division, shows that there is a great diversity of practice in the matter of rejecting plaints in the different Courts, for while the Munsif of Karnal disposed of 118 plaints under this head out of 269 suits decided by him, the Munsif of Delhi disposed of only 9 out of 229 suits under this head, and the Munsifs of Rohtak 42 out of 272 suits or 15 per cent.

The large increase in the number of applications for certificate to appeal to the Chief Court, is due to the change in the law of appeal which gives power to make an application for revision to the Chief Court against an order refusing to grant certificate.

The increase in the number of cases under the Land Acquisition Act is due to the opening of the Delhi—Kalka Railway. There were 25 cases for disposal under this head in this Court, of which 18 were disposed of and 7 were left pending. Of those disposed of, in 6 the Judge had agreed with both assessors, and in 6 he had differed with either one or both assessors, while remainder were decided without the aid of assessors.

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. T. Roberts).

In the Umballa district there were 190 applications for foreclosure of mortgage, against 180 in 1888.

A large number of these processes were against old Sikh jagirdars and landholders who, as a class, have been reduced to a hopeless state of indebtedness, brought about, no doubt, chiefly by their own want of thrift, but nevertheless much to be regretted.

DISTIRCT JUDGE, JULLUNDUR.

(Diwan Ram Nath).

The decrease in applications under section 258 of the Civil Procedure Code is probably due to the fact that it has now become well-known among debtors that payment out of Court is unsafe, and hence payment is made less frequently than before out of Court.

There is a remarkable increase in cases under Act XXVII of 1860, and Act VII of 1889, of 46 cases in comparison with the last year, because the new Act makes it compulsory for the suitors to take out certificates if they wish to obtain a decree.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Mr. M. Macauliffe).

In the Gujranwala district there has been a decrease in the number of cases for redemption and foreclosure of mortgage, in comparison with the year 1888, but an increase of 132 as compared with the year 1887.

DISTRICT JUDGE, GUJRANWALA.

(Mr. D. J. Ibbetson).

Of 422 other miscellaneous cases, 362 were for redemption and foreclosure of mortgage, under Regulations I of 1798 and XVII of 1806, as compared with 381 and 230 in 1888 and 1887 respectively.

The figures of 1887 also showed a large increase upon those of 1886. It is clear that here as in other districts of the Province, the practice of having all mortgages as conditional sales is rapidly spreading. I have already on more than one occasion expressed very strongly my opinion as to the pernicious nature of this form of mortgage, and have urged that it should be declared null and void.

DISTRICT JUDGE, FEROZEPORE.

(Rai Bahadur Buta Mal.)

Miscellaneous cases under the Civil Procedure Code have increased by 28, and other miscellaneous cases by 131. The increase in the latter class of cases is represented by applications for certificate of succession under Act VII of 1889. There were 30 applications for permission to sue *in formâ pauperis* as against 64, showing how the suitors are learning by experience that resort to the benefit of this provision is permitted only in cases of real necessity.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Colonel C. H. T. Marshall).

In all the districts except Muzaffargarh, the disposal of miscellaneous cases has greatly increased; in that district 78 less than in 1888 were decided, but the pending file has only risen by 4. In Jhang there are 8 more pending than in the previous year. The institutions have generally decreased somewhat, except in Montgomery, where there were 877 against 654, principally among rejected plaints and redemption and foreclosure of mortgages under Regulation 1 of 1798.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Mr. F. P. Beachcroft.)

Seventy-one of the miscellaneous cases were cases relating to redemption or foreclosure of mortgages under the regulations in force in regard thereto, as against 119 in 1888.

Such cases have fallen in Rawalpindi from 97 in 1888 to 60 in the year under report, and in Shahpur from 22 to 11.

SUBJECT.—ORIGINAL SUITS. EXECUTION OF DECREES

DISTRICT JUDGE, KARNAL.

(Mr. J. R. Drummond.)

The practice of having sales conducted through process-servers in execution of decrees, and of their receiving the purchase money paid on the spot, or at least the 25 per cent deposit, is open to abuse and throws many temptations in the way of the establishment. Cases transpired during the year in which complaints were made that process-servers had exceeded the limits of the warrants, or on the other hand had misappropriated sale proceeds. The proposals now under consideration of the Judges will, no doubt, improve matters in this respect. But, in any case, I would be glad to see security, say in the sum of Rs. 50, taken from each process-server.

The very large nominal value of decrees in execution is swollen by a few practically hopeless decrees against members of the Mandal family, but great progress has been made during the year in the adjustment, principally through the Revenue authority, of these long standing encumbrances.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Mr. T. Troward.)

The total number of execution cases for disposal fell by 803, and those disposed of fell by 733, the number pending at the close of the year being 1,679.

The execution business did not improve much during the last year, although every effort was made by this Court to effect an improvement. The total number of original suits pending at the close of the year was 820. The number of pending execution cases was thus double that number. The average duration was 38 days instead of 41 days in the previous year.

The percentage of realizations was the same as in the previous year.

The following points have been noticed by the District Judge under this head.

The pending execution cases include many cases in which decree-holders, after applying for execution and attachment, realize the amounts decreed to them privately, and do not appear on the date fixed to inform the Court of the fact, and thus the cases are shown as undisposed of. The District Judge suggests that when this is ascertained from the process server, to whom orders are issued for attachment, the Courts should be at liberty to consider the decree satisfied, and hand over the decree-holder either to a Collector or Magistrate to answer for not filing a stamped receipt, when the amount recovered is above Rs. 20. This would entail additional work on the Collector and Magistrates, and the same difficulty would continue in cases in which the sums realized are below Rs. 20.

In cases in which the decree-holder has to be awarded possession of land with standing crops, the District Judge suggests that the value of the crops should be appraised summarily by the Court, and the decree-holder made to pay it, and awarded possession at once. This would entail heavy work on the executing Courts, and moreover it appears to make over the execution of cases, referred to in section 320 of the Civil Procedure Code, to the Collector.

I do not concur in District Judge's suggestions for alterations in the law regarding sale of land, since they could not be adopted without either removing the protection which it is advisable to extend to agriculturists, or else striking at their only source of credit.

DISTRICT JUDGE, JULLUNDUR.

(Diwan Ram Nath.)

Out of twenty prisoners, only two applied to be declared insolvents, and out of 14,678 cases of execution of decree disposed of, only 11 judgment-debtors thought it worth their while to apply under the Insolvency Chapter. The chief reason for so little use of the law appears to me to be the same which I gave last year, that is, the agriculturists do not wish to make over their landed properties to the Insolvency Court.

I need not repeat the causes of short realization in execution of decrees, which I fully gave in my report of 1888, and which have been published in the Chief Court's

Civil Report for 1888, page ix of the Appendix to the same. I would, however, venture to say that some steps ought to be taken to remedy the defects brought to notice.

During the year under report the following points were observed which appear worthy of mention in this place :—

1. In certain cases execution of decree proceedings have remained pending, because the decree-holder got his money on the spot, and did not or would not appear to file a receipt ; and the process-server brings back the attachment order with a note on the back of the order that the money has been realized and that the decree-holder will appear on the date of hearing. I think a clear provision should be made for such defaults, to the effect that the Courts should, on the dates fixed, hold the decree to be, under the circumstances, satisfied, and refer the decree-holder to the Collector and Magistrate to answer for not giving a stamped receipt when the money received is above Rs. 20.

2. The decree-holders executed their decrees for possession of land, and disputes arose how to give possession before removal of the standing crop sown by the judgment-debtor. The only published ruling on this point in the Punjab, as far as I can find, is *Punjab Record* No. 36 of 1883, and one unpublished ruling is cited by Mr. Rattigan in his Customary Law, latest edition, page 58, under section 112 ; and, in my opinion, in the absence of a provision in the decree, the standing crop which is a mesne profit, can not be given to the decree-holder, and thus the decree-holder can only get mere formal possession before the crop is reaped, unless provision is made in the law to the effect that the Court should summarily estimate the cost of cultivation, and cause the decree-holder to pay it in cash, and get actual possession on the land and produce.

3. The Revenue Courts have in certain cases, while acting under section 326 of the Code, recommended that the amount of the decree be made a charge on the lands attached, and that the decree-holders should pay the mortgage debts of previous mortgagees in addition to their money decree, and hold the land until the full amount is paid by the judgment-debtor ; meanwhile the decree-holder should take the profits of the land in the way of interest. I think this course is objectionable and is the result of a misapprehension of the terms of clause B of section 321 of the Civil Procedure Code.

4. The Deputy Commissioner has drawn attention to the fact that at the time of execution of decrees formal possession is very often given to the decree-holders, and that this practice leads to numerous Criminal cases being instituted under sections 447 and 448 of the Indian Penal Code. I have impressed upon the Courts the necessity for a careful observance of sections 15, 16 and 17 of the Selected Chief Court Circular No. XXVII, latest edition, but I do not think a Civil Court can stop such criminal complaints where the Judgment-debtor is a litigious person and is unwilling to give possession of his land to the decree-holder. It is generally the case with such persons that they avoid resistance to the Court officials, but no sooner they are out of their sight, they resort to undue means, and if necessary to violence in order to recover possession and turn out the decree-holder, and this is more especially the case when their crop is standing. The Civil Court cannot spare peons to watch the fields until the harvest is over and next harvest is sown. I have, however, told the Deputy Commissioner that I am ready to take all possible means to watch the proceedings of the peons and the Courts subordinate to me.

I think it would be proper to put into force section 320 of the Civil Procedure Code in the Punjab, and to transfer the execution of the decrees mentioned in that section to the Revenue Department.

The next suggestion I would make is that the law as to the sale of land should be amended so as either to make land alienable without restrictions or to declare that no land shall be sold. It is confusing to both Courts and decree-holders to see conflicting orders passed on the same state of facts in regard to the sale of land.

I would lastly draw attention to the great difficulties which are created by the "Supurdars" in villages ; and this subject I think should be made a special subject of inquiry and consideration by the Chief Court, and some satisfactory arrangement made for protection of attached property.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. R. W. Trafford).

The Kangra report shows that the subject of executing decrees receives careful attention, and Courts are regularly instructed that this branch of the administration must receive careful supervision and not be treated in a perfunctory manner. The District Judge remarks that the fault he usually has to find is that the Courts do not work with sufficient energy in this line, and that Bailiffs and Nazirs are not regularly kept up to dates for the due execution of writs, &c., but he hopes that this will remedy itself during the year as he intends paying the subject more attention than it has hitherto received.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris).

It used to be the practice to attach moveable property and to make it over for safe custody to a respectable person in the village, where attachment had taken place, instead of at once bringing over the property to the Courts issuing the warrant of attachment; as however, in many instances the judgment-debtor got the custodian to make over the property to him or else got the property removed away in one way or another, doubtless with the connivance of the custodian, I directed attached property to be brought to the Court concerned. This has resulted in judgment-debtors promptly making arrangements with the decree-holder, and thus getting the property, principally live stock and grain, released.

DIVISIONAL JUDGE, FEROZEPORE DIVISION.

(Colonel H. J. Lawrence).

The state of Execution business is very unsatisfactory, and is likely to remain so as long as we try to combine freedom of contract with protection of debtors.

DISTRICT JUDGE, FEROZEPORE.

(Rai Bahadur Buta Mal).

It seems to me that the results point to the inference that when there is no property clearly available for seizure as property belonging to the judgment-debtor, the mere fear of the issue of coercive process, or the actual issue and execution of such process against the person, will not induce him to tax all his resources to find money for payment and avert the coming evil; and why has the prospect of arrest ceased to be dreaded? Because if the person arrested can show that he has no property and has concealed none, or has not otherwise dealt fraudulently with the creditor, he need not be sent to prison. The burden of proving the affirmative is practically thrown on the decree-holder and, in my experience of the working of the law of insolvency, it is very difficult to make out a charge of active concealment of property or of fraudulent dealing or bad faith against a recusant debtor. Under the amended law of imprisonment for debt the judgment-debtors are beginning to realize that so long as their creditors cannot lay hands on property clearly known to belong to them, or to be in their possession, they have no reason to be disquieted by execution of decrees. I do not know if a considerable decrease in realization has also occurred under the same heads in other districts; and if it has not, the explanation given above may not be correct. The attention of the subordinate Courts has been drawn from time to time to the importance of execution work and to the instructions issued by the Chief Court, but the result brought out at the close of the year is certainly not satisfactory.

In some cases proceedings have been taken against the landed property of judgment-debtors, but owing to reference to revenue authorities they have not been concluded.

Under the existing law, no property in land paying revenue to Government or applied to agricultural or pastural purposes can be sold in execution of decrees, except with the sanction of the Commissioner, and, if it is hereditary or joint acquired property, of the Financial Commissioner. Such sanction is accorded only in clear and exceptional cases, and if the letting value of the land is not sufficient and the Collector does not think fit to intervene, the decree, in the absence of other property which is generally difficult to find or indicate, remains unsatisfied. In the perplexity of checks provided by law, one way of compelling the sale of landed property, independently of execution proceedings, has been discovered. Thwarted by refusal of sanction by proper authority, the judgment-creditor, applies under section 344 of the Civil Procedure Code, for the judgment-debtor to be declared an insolvent. The latter is so declared as if he had himself wished it, and all his property, moveable and immoveable, is vested in the receiver appointed under section 351. The proviso of section 356 requires that in any local area in which a declaration has been made under section 320 and is in force, no sale of immoveable property paying revenue to Government, or held or let for agricultural purposes shall be made by the receiver. But as no such declaration has been published in the Punjab, that officer, unfettered by any restriction, proceeds to sell land as well as other property, and the object of the law in placing restrictions on the sale of landed property in execution of decrees is frustrated. I mention this to draw attention to the anomalous state of the existing law under which a decree-holder baffled in execution, may succeed in insolvency proceedings.

DISTRICT JUDGE, HISSAR.

(Mr. R. L. Harris).

An examination of the execution of decree registers in the Munsif's Court showed a very high proportion of applications made for the purpose of keeping the decree alive. Something is to be said on the score of this district being surrounded by Native States, giving facility to the removal of property by dishonest judgment-debtors into foreign jurisdictions.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(COLONEL C. H. T. MARSHALL).

Mr. Kennedy suggests the appointment of Naib Sheriffs in each Tahsil on Rs. 15 a month so that all the execution work would not fall into the hands of peons as it does now. This might be some check on the corruption which doubtless exists at present.

It would be advantageous if it were possible to utilize the services of more responsible and trustworthy officials than are employed now in superintending the execution of decrees ; but I am not sure that a Naib Nazir on Rs. 15 would be much improvement on the present system. I think if any change were made it would be necessary to employ a higher paid official than that suggested by Mr. Kennedy.

DISTRICT JUDGE, JHANG.

(BARON J. BENTINCK).

The proportion of infructuous decrees is doubtless large. This subject has always received my attention on reviewing the returns, but I could find no fault with the procedure of the subordinate Courts. I can assign the following reasons for this increased percentage :—

(1)—a large proportion of decrees are satisfied out of Court, after the issue of process, and as the adjustments are not certified to the Courts, either by the decree-holders or judgment-debtors, they are necessarily returned as infructuous ;

(2)—incompetence and dishonesty of the Sheriff's establishment;

(3)—the decree-holders make applications merely to keep their decrees alive and as they do not prosecute, their default is voluntary.

DISTRICT JUDGE, MONTGOMERY.

(MR. T. J. KENNEDY).

The large proportion of infructuous decrees is chiefly due to property being made over to bailees (supardars), who, in collusion with the judgment-debtors, cause it to disappear. They can do this with impunity, because in this district the property attached being generally cattle, it is almost impossible to establish a criminal charge against them when they make the excuse that the cattle have strayed. The only remedy for this evil, which is of great magnitude in this district, and is bringing into contempt the working of the Civil Courts, is to authorize attached cattle being impounded or kept in separate or revenue pounds.

There is no doubt a good deal of corruption among the peons who are now necessarily entrusted with the details of execution work. I do not think there is much scope for a reduction in their numbers, so as to permit of the entertainment of Civil Court bailiffs on the savings effected. This district is an extensive one, Post Offices are few, defendants in cases live for the most part in villages, and very few of them in post towns, so that arrangements applicable to Lower Bengal and the North-Western Provinces, where the population is dense, and Post Offices close together and numerous, would not work in this district. The establishment of revenue pounds is, I think, the real remedy for the existing evil. It would, however, conduce to more effective working if Naib-Sherriffs were appointed at each tahsil on not less than Rs. 15 a month, and there is now such a large surplus in the income from process fees that the entertainment of them is, I think, in the interests of the people only equitable.

DISTRICT JUDGE, GUJRAT.

(MR. C. E. GLADSTONE).

The cause of so many pending files is that the decree-holders have this year applied for more than before for mustajri, or temporary transfer of land, and for sanction of sale of landed property. Far too much landed property has been alienated as it is.

It is to be feared that the zemindars are for some reason becoming yearly more indebted and it is also to be feared that the Gujrat Courts do not efficiently look into the actual transactions between lender and borrower and are far too ready to grant decrees on bonds given by zemindars who at the time of signing them know very little of the terms they contain. The Munsifs' Courts are so situated as to be most convenient for the money-lenders. The zemindars' convenience does not seem to have been consulted.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(MR. F. P. BEACHCROFT).

The proportions of applications disposed of, wholly infructuous, has fallen from 56 per cent in the year 1888 to 53 per cent in the year under report,

The proportion of such applications to the total number disposed of, in the Rawalpindi district was just the same as in 1888, namely, 45 per cent, and in that of Shahpur, it was 65 per cent. against 67 per cent or 2 per cent less than in the preceding year.

TheDistrict Judge of the latter district remarks that " the attention of all the Subordinate Courts has been invited to the Chief Court's Circular No. XVI—4644, dated 10th December 1888, and I have several times urged upon them the necessity of greater attention to execution of decree cases. Many of the judgment-debtors in this district are impecunious peasants, having little property besides their land, houses, implements and clothing, and now that all these and their persons are fairly protected from process, it is difficult for a decree-holder to lay hold of any thing in satisfaction of his decree. As, however, many of these decrees contain large amounts of exorbitant interest, the decree-holder probably gets in most cases all that he is morally entitled to, though the law would give him more."

The realizations of money decrees in the Rawalpindi and Shahpur districts during the year 1889, were 31 and 23 per cent as against 28 and 27 per cent in the previous year, or an increase of 3 per cent in the former and a decrease of 4 per cent in the latter district.

With regard to the decrease in Shahpur, Mr. Wilson says that " the realizations are not satisfactory, owing partly to the insufficiency of the process-serving establishment, and partly, perhaps, to the want of time on the part of the Courts. It is also owing to the following facts:—(I). the judgment-debtors often conceal their property ; (II.) sometimes they obstruct the attachment ; (III.) sometimes they make private and fictitious transfers of their property to their friends and relatives before attachment is made."

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. A Christie).

As to realizations, there is considerable improvement in all the districts, especially in Peshawar.

There is a notable increase (of 1,596 decrees) in Hazara under the head " Realizations on taking coercive measures." This increase is in the number of execution by attachment and sale of property. I regret that no reason for this has been given in the District Report.

SUBJECT.—ORIGINAL SUITS -WORKING OF SMALL CAUSE COURTS

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. R. L. Harris).

There is only one Small Cause Court, at Delhi, in this division and full details of its working have been given by the District Judge in his report.

There was a decrease of 224 suits in the total number of institutions in this Court as compared with the past year, and the proportion of disposals was 96 per cent, which is a good percentage.

The percentage of realizations of decree has again fallen off from 26.85 in the former year to 23·85 in the year under report, which shows but slight improvement over the percentage of 1887.

DISTRICT JUDGE, DELHI.

(Mr. S. Clifford).

I find the provisions of Chapter XX of the Civil Procedure Code somewhat unsatisfactory for the following reasons :—

I. The Court cannot take charge of Insolvent's property until such time as a Receiver has been appointed under section 351 of the Civil Procedure Code, in the meanwhile Civil Courts attach and sell the property of Insolvents in execution of decrees of their Courts to the detriment of the majority of the creditors.

II. The Code is silent as to whether creditors who, though entered in the Insolvent's application, but are not entered in the Court's schedule owing to their not coming forward to prove their claims, have their remedy in the regular Civil Courts against the applicant after he has been declared an Insolvent in respect to their debts not entered in the Courts schedule.

III. Can the Court under these circumstances prepare an *ex-parte* Schedule including such creditors so as to protect the applicant from further liability in respect to such debts? Otherwise the applicant cannot be said to have received the full benefits of Insolvency as contemplated by the Legislature.

DISTRICT JUDGE, UMBALLA.

(Mr. Leslie Smith).

One thousand and seven cases were instituted in the Cantonment Small Cause Court in the year under report, as against 1,171 in 1888, being 64 less.

The total value amounts to Rs. 35,948, as against Rs. 41,564, showing a decrease of Rs. 5,616 which is explained by the smaller number of institutions and by the fact that for about one-third of the year there was a Judge acting with powers up to Rs. 50 only.

The following figures show the working of the Court :—

	1888.	1889.	Difference.
Without trial	271	224	−47
Without contest	677	592	−85
Referred to arbitration	15	17	+ 2
With contest	184	167	−17
The average duration of cases is as follows :—			
Contested	11	11	0
Uncontested	8	11	+ 3

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Mr. T. Trowarl).

There is only one Small Cause Court in this district, *viz.*, the Cantonment Small Cause Court.

There is not much difference between the institutions of the last year and those of the previous year, but the value of the suits was nearly doubled, apparently owing to the fact that during the greater part of the last year there was a Judge with powers up to Rs. 500, while in the year previous the Judge's powers were only up to Rs. 50.

DISTRICT JUDGE, AMRITSAR.

(Mr. Carr Stephen).

The Small Cause Court is worked satisfactorily.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Mr. M. Macauliffe).

Cantonment Small Cause Court, Sialkot.—There has been a slight decrease of 37 in the number of cases disposed of as compared with the disposals of the last year.

The average duration of contested cases was 18 days and of uncontested cases 11 days against 18 and 17 days, respectively, in 1888. There has thus been a decrease of 6 days in the average of uncontested cases, but this is due to the petty cases that come before the Small Cause Court Judge, who is not yet invested with superior judicial powers.

There is no Small Cause Court in the Gujranwala district.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris).

The District and Cantonment Small Cause Courts disposed of 5,216 suits, between them, with an average duration of 12 days; 242 miscellaneous cases; 5,146 Execution cases, and 49 Insolvency cases.

DISTRICT JUDGE, FEROZEPORE.

(Rai Bahadur Buta Mal).

The number of suits for disposal and disposed of in the Cantonment Small Cause Court has been reduced to nearly one-half, but the number of contested cases is about the same. As Lieutenant-Colonel and Captain Montressor had only limited powers, all suits over Rs. 50 in value had to be transferred to the District Courts. The decrease in the number instituted appears to be in petty cases of debt, which are generally settled out of Court.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Col. C. H. T. Marshall).

The only Small Cause Court is that of the Cantonment Magistrate at Mooltan, where the work has been carried on in a very satisfactory manner.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Mr. F. P. Beachcroft).

There is only one Cantonment Small Cause Court in this division.

The number of original suits instituted and disposed of as compared with the previous year, was as noted below :—

	Instituted.		*Disposed of.*	
	1888.	1889.	1888.	1889.
Cantonment Small Cause Court, Rawalpindi ..	1,458	1,494	1,419	1,509

The total number of suits for disposal was 1,571, as compared with 1,496 in the previous year, being an increase of 5 per cent.

The proportion of cases contested during the year under report was 51 per cent as against 57 per cent in 1888.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. A. Christie).

The Judge Small Cause Court, Captain Watson gives the following account of the work of the Court for the past year :—

"There were 62 suits pending on the 1st January 1889, 957 suits were filed during the year, and 68 remained pending on the 31st December 1889.

The following is the detail of the decided suits :—

Decree in full ...	454
Do. in part	165
Razinamah ...	110
Dismissed ...	75
Arbitration ...	4
Default of appearance of plaintiff ..	4
Do. do. of both parties...	123
Returned as inadmissible ...	11
Do. for presentation to other Courts ...	5
Total ...	951

237 cases altogether were decided *ex-parte*.

The average duration from institution to final disposal was 20 days."

SUBJECT—APPEALS.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Mr. M. Macauliffe).

Of the appeals decided without summoning respondents, the orders of the original Courts were confirmed in 479 appeals. This number largely represents the needless work thrown on my Court by petition-writers. In cases in which the respondents were summoned, the original Courts' orders were confirmed in 56, modified in 16, reversed in 83, and remanded under section 562, of the Civil Procedure Code only in 24 instances.

SUBJECT.—PROCEDURE

DISTRICT JUDGE, GURGAON.

(Mr. J. R. Maconachie).

The chief point noticeable this year is the want of consideration sometimes shown by Tahsildars in hearing cases away from their head-quarters without giving proper notice to litigants. Their attention has been called to this.

The arrangements for dealing with land in execution of decree have been continued in the main as described in former reports, and they are as good as can be made. But the time taken in references to the superior revenue authorities is very considerable.

DISTRICT JUDGE, KARNAL.

(Mr. J. R. Drummond).

The weakest point in the procedure of the local Civil Courts appears to me to be in the framing of issues and distribution of the burden of proof.

It is easier to point to this defect, than to propose a remedy in a country where the law of evidence is cut and dried in an abstract Code, and where neither the Judge nor the Counsel who may be engaged, even in important cases, have had much opportunity of practice in the business out of which the technicalities of pleading have arisen.

The fact appears to be that we are attempting in this district to apply a system which, so far as Civil litigation is concerned, is too much ahead of the existing sense and requirements of the litigants and the bulk of their advisers.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Mr. T. Troward).

In execution cases the Courts appear generally to be under the impression that they are required to record all orders passed in them with their own pen. This is regarded as a hardship, and probably retards prompt disposal of execution cases. Under instructions contained in the concluding sentence of paragraph 12 of Circular No. XXVII of the Volume of Judicial Circulars, 3rd edition, the presiding Judge is required to record the order with his own hand only when there is a contested point involved, and there would appear to be no objection to the Courts employing their Readers or Moharrirs to record ordinary orders of a routine form. If they did this they would be less hampered in disposing of their execution business.

This Court has frequently had occasion to find fault with the lower Courts for failing to carry out the instructions contained in Chief Court's Book Circular No. X of 1888. In many cases the Courts failed to put it on record, as to whether the Court satisfied itself at the first hearing that each party furnished a list of all the documents he brought with him, which he intended to tender in evidence, and the instructions about the placing of the documents produced by the parties in strong covers, with lists of the documents noted on the covers were seldom observed. It was often found, that in one case two or three plans and two or three extracts from the Settlement records were filed, and there was nothing to indicate which of these was relied on by the Court. Nor were the Courts careful in questioning the parties as to whether they had produced all the witnesses they had to produce and recording a note that this was done

In numerous instances the Courts failed to note, on the face of their judgments, the value of the suit for purposes of jurisdiction. The Chief Court has now prescribed a form to be used by Courts for writing their judgments on, in which there are separate columns for entering the value of suits for the levy of Court fees, and the value for purposes of jurisdiction, and instructions have been issued to the lower Courts to fill up the columns carefully.

The work of the copyists of the District Office who prepare copies for litigants has been found unsatisfactory, very many of those filed with the petitions of appeal presented to this Court, having been found inaccurate.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Mr. F. P. Beachcroft).

I have noticed with regret in the case of some Judicial Officers a flagrant disregard of the provisions for taking evidence, and for having either all original documents admitted in evidence or attested copies of them.

In many instances where land or houses or rights to water or easements are in dispute, no proper plan has been presented with the plaint, or subsequently called for, in consequence the proceedings are unintelligible and very often the Courts do not really understand what is claimed.

Too often cases are dismissed in default without sufficient reasons, or *ex-parte* proceedings taken without sufficient proof of service of summons, necessitating a subsequent readmission granted without the due formalities, or as a matter of course.

SUBJECT.—PROCESS FEES AND PROCESS SERVING ESTABLISHMENT

DISTRICT JUDGE, GURGAON.

(Mr. J. R. Maconachie).

Up to September 30th there were 26 peons and for the remaining three months only 20. This was an answer to a call made on the district to serve summonses by sending them by post to the Tahsils. This experiment has as yet worked without trouble worth considering, and I hope it will be prosecuted without listening to interested parties in the district.

DISTRICT JUDGE, ROHTAK.

(MAJOR A. DEC. RENNICK).

The system prescribed by the Chief Court Circular No. 21 of 15th May 1889 is adopted in this district and works satisfactorily

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DISTRICT JUDGE, KARNAL.

(MR. J. R. DRUMMOND).

The system of serving processes and summonses through the Tahsil Munsifs has been introduced in this district in accordance with the provisions of Chief Court Circular Memo. No. 21—2231 of 15th May 1889.

DIVISIONAL JUDGE, UMBALLA DIVISION.

(MR. T. ROBERTS).

The new system of sending processes by post to outlying Courts, prescribed by Circular Memo No. 28, dated 10th August 1889, has been introduced in all districts.

The District Judge of Ludhiana says it is working satisfactorily, so far as he can see at present, but it has not been in vogue long enough to enable him to form an opinion as to the extent to which it will effect a saving of power. It is probably for this reason that other District Judges have not noticed the subject in their reports.

Processes for service in Calcutta are, under section 86 of the Civil Procedure Code, sent to the Small Cause Court for service, but under the rules of practice in force there, the Judge will not attempt to serve a process unless some one appears on behalf of the plaintiff to point out the defendant or other person to be served, and as in the majority of cases it is not worth the Plaintiff's while to send an agent to Calcutta or appoint an attorney there for such a purpose, the service of processes in the Presidency town is practically impossible.

DISTRICT JUDGE, LUDHIANA.

(MR. F. L. BAILEY).

Since September last the system ordered by Chief Court Circular Memo. No.28—3315 of 10th August 1889, has been introduced; and all processes and notices to be served in outlying Tahsils are sent by post to the Munsif's Courts and served through the agency of the Munsifs' process serving establishment. The system has, as far as I have been able to judge from the short time it has been going, worked not unsatisfactorily; but a definite opinion cannot be formed until it has been working some time longer.

The process servers are as a rule an inefficient and ignorant body of men; and I do not see that more can be expected from men who get salaries of Rs. 5 or 6 per mensem. I certainly think that a larger proportion of the income from process fees should be devoted to strengthening the establishment. In the last three years the net profit to Government in this district from process fees has been Rs. 29,000 or nearly 10,000, a year.

DISTRICT JUDGE, JULLUNDUR.

(DIWAN RAM NATH).

The decrease in Talbana income this year is due to the fact that about 3,000 processes were issued less than in the year 1888, and the increase in the postal service stamps is due to the compliance of Chief Court Circular Memo. No. $\frac{21}{2231}$ of 15th May 1889, by which the service on persons residing in places distant from the Sadr is now carried out through the outlying Courts of Munsifs and to whom the processes are sent by post and who also return them by post.

Before this system was introduced the Service Stamps were only used in returning summonses of Chief Court and other Courts of India.

The decrease of Rs. 210-2-0 in the cost of establishment is also due to compliance with the same Circular and the Circular Memo $\frac{34}{3315}$ of 1889, for a saving of Rs. 55 per mensem is at present effected by dismissal of 11 peons out of the sanctioned scale of 116 peons, since the summonses are served by Munsifs atout stations.

The defects which I have noticed in the new mode of service up to this time are only two, 1st, diet money to witnesses cannot be sent to the outlying Courts without much risk of embezzlement &c., by the peons; and service without sending diet money cannot make a witness subject to punishment under section 174, Civil Procedure Code; 2ndly, the already ill-paid and overburdened Naib Sheriffs are put under the yoke of extra labour and the charge of more intricate cases of attachment of properties of larger value.

The question will, however, be more fully discussed in a special report called for by the Chief Court in their General Letter No. 5003 of 24th December 1889.

In compliance with the Divisional Judge's letter No. 590, dated 9th November 1889, I beg to say that the employment of peons as readers is no doubt against the standing rules and the revenue authorities should be moved to sanction Readers or Muharrirs for each Naib-Tahsildar.

I would not suggest increasing the salaries of the Muharrirs from the Talbana fund.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. R. W. Trafford).

The District Judge, Kangra, reports that the present system of serving process is a good one and that he could reduce the number of peons if men were appointed in place of those now employed at the Sadr on duties which are not legitimate.

The District Judge further reports that the present Sheriff is not the proper official to work the Mazkuri establishment, and it will be a great boon to officers and people if the arrangements proposed by the Chief Court are sanctioned; that the present Sheriff has far too much to do to be able to do it properly, and that naturally he trusts to the small men who surround him and the result is consequently far from satisfactory.

DISTRICT JUDGE, KANGRA.

(Mr. W. B. DeCourcy).

My predecessor made the distribution after a very careful consideration of requirements and I do not think any alteration desirable. As regards the comparatively large number of men at the Sadr, I would particularly wish to note that as this is a Hill station without a Tahsil, and no special provision exists for the discharge of miscellaneous duties at it, I am compelled to permit the use of these men for such work, much as I deprecate having to do so when I bear in mind the orders of the Chief Court which require that a process server shall be employed only for serving processes.

DISTRICT JUDGE, KULU.

(Mr. A. H. Diack).

The system of process serving prescribed by Chief Court Circular Memo. No. 21-2231 of May 15th, 1889 has always been in force in Kulu, that is to say, the establishments maintained at the Kulu and Plach Tahsils execute the processes issued from these Tahsils and also those issued from the Court of the District Judge which are sent by post to the Tahsildar or Naib-Tahsildar. Similarly, establishments are maintained in the Courts of Rai Dalip Singh and Thakur Hari Chand which serve all processes issued from any Court against residents of Vaziri Rupi or of Lahoul.

DISTRICT JUDGE, GUJRANWALA.

(Mr. D. J. Ibbetson).

The processes of the Munsif's Courts at Gujranwala, Wazirabad and Hafizabad as also of the Honorary Civil Judge's Court at Shekhupura, are served by the peons attached to those Courts respectively. The processes of the Sadr Courts used to be served by the establishment maintained at the Sadr; but on receipt of Chief Court Circular Memo. No. 7-2384, dated 5th June 1888 one Assisstant Sheriff and 7 Process-servers were taken away from the Sadr and stationed at Hafizabad under the Munsif, for service of processes of the Sadr Courts on people residing in Tahsil Hafizabad; while I have recently extended the same system to Tahsil Wazirabad. Thus, all Sadr processes outside the Sadr Tahsil are now served through the Munsif's establishments. It is only this arrangement that has rendered the service of a number of processes, increased by 23 per cent over that of last year, possible without increased establishment; and any reduction of establishment is out of the question. The new system works well so far.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris).

As a reduction of establishment was insisted on by Circular Memo. No. 28-3315, dated 10th August 1889, at the risk of impairing the efficiency of the establishment I reduced the staff of process-servers from 100 to 90 from the 1st January 1890.

As the object of the Circular just quoted was to prevent several process-servers with processes from the Sadr and the Tahsil from going at the same time in the same direction, it has been arranged that all processes from the Sadr Courts are to go direct by post to the Munsifs of Kasur and Chunian for service, their staff being strengthened according to the estimate of the increased work that will have to be performed.

As, however, the Munsifs of Lahore and Sharakpur work in the city of Lahore, it was considered that instead of sending processes of the Sadr to the Munsifs for service, it would be better to have these two Munsifs to send all their processes to the Sadr for service, for this purpose strengthening the Sadr staff of process-servers by taking over the staff attached to the Courts of these two Munsifs, leaving only two process-servers for urgent and miscellaneous work attached to each of these Courts.

The reduction effects a saving of Rs. 50 per mensem, but in order to allow the scheme a fair chance of success it would be necessary at the very least to appoint three Naib Sheriffs on Rs. 10 each, one to be posted at Kasur another at Chunian and the third at the Sadr. This arrangement does not commend itself very specially, but it is the best that I can think of, as an experimental measure, in view of the reduction of establishment.

DISTRICT JUDGE, FEROZEPORE.

(Rai Bahadur Buta Mal).

The system of serving processes in outlying Tahsils by post, recommended on economical grounds, has been adopted, but as the number of process-servers was already too small, I see no possibility, under the increasing pressure of work, of its being safely reduced.

DISTRICT JUDGE, HISSAR.

(Mr. R. L. Harris).

The staff remains the same as in former years. I have not been in any district where the period taken up in service of processes is generally speaking so long as in this district. This is due partly to the insufficiency of staff. This has formed subject for correspondence with the Chief Court, but as the whole subject is under consideration of the Chief Court and the Government of India, and is under reference, my full remarks will be recorded elsewhere.

I may, however, record my opinion that, as far as regards process fees, I think that whatever may be said of the judicial stamp revenue, the person paying in the fees is entitled to the *whole benefit* of the sum he pays in; in other words, if an insufficiency of staff is complained of by the district authorities, as here, and it is found that less than half of the income goes in paying the staff, there should be no hesitation about the sanction for increased establishment. It is, also, as Mr. Anderson while District Judge has remarked in the correspondence on the question, a great pity that the line of rail passing through the whole length of the district cannot be utilized by the peons on the score of expense. If processes were promptly served in this district the average duration to which Government rather than the suitor, attaches so much importance, would be greatly lowered.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Colonel C. H. T. Marshall).

The postal system of serving processes has been carried out and the process-servers have been distributed over the Tahsils. The new system is working well in Mooltan, but the District Judge deprecates any further reduction in the establishment.

In Montgomery it is said to have worked well; the only drawback being the want of a Naib Nazir at Tahsils. The processes have to follow the Judicial Moharrir into camp when he is with the Tahsildar. The same complaint comes from Muzaffargarh and it is one which requires remedying. Arrangements should be made for some official at the Tahsil head-quarters permanently to receive and dispose of processses. I am in favor of Naib Nazir's being reappointed for this work and to supervise execution of decrees.

DISTRICT JUDGE, MOOLTAN.

(Mr. W. Chevis).

In compliance with paragraph 7 of Chief Court Circular Memo. No. 21-2231, dated 15th May 1889, the system of process serving was altered and, with effect from 1st August last, the decentralized system was substituted for the centralized one, by deputing some of the peons under the Sadr Nazir for the serving of processes in the Sadr Tahsil and distributing the rest among the various Tahsils, the processes for each outlying Tahsil being sent by post to the local judicial Moharrir for service and return.

The system was the best that could be adopted with regard to speedy service and saving the process servers from traversing long distances in the interior of the district from and to head-quarters.

The new system is working better than the one given up, but it has not proved as successful as it should have, owing to the weak and inadequately paid process serving staff.

Considering the large area of the district and the scattered population on wells in all parts of it, it would, I think, be unwise to reduce the strength of the existing process serving establishment.

DISTRICT JUDGE, MONTGOMERY.

(Mr. T. J. Kennedy).

In accordance with Chief Court Circular Memo. No. 21-2231, dated 15th May 1889, all processes for service in the outlying Tahsils are now sent for service to them. The change has I think worked on the whole well. At first there were some complaints, chiefly because, there being no separate Naib Nazir at Tahsils the Tahsildar's Judicial Muharrir accompanied him on tour and all processes had to follow.

DISTRICT JUDGE, JHANG.

(Baron J. Bentinck).

The system indicated in paragraph 4 of Chief Court Circular Memo. 21-2231, dated 15th May 1889, regarding service of summonses by post through the Tahsil Courts was introduced in this district from 1st September 1889, and is working well, the adoption of no further measure seems necessary. As Jhang is an extensive district and sparsely populated I can recommend no reduction in the present staff of the Process serving Establishment. There are only 42 Process servers who have had to serve 36,245 processes during the year under review. This staff is already inadequate for the purpose of serving processes in this district. It is necessary in order to increase the efficiency of the officials who can be entrusted with the duty of attaching property and conducting sales that services of Bailiffs receiving pay not under Rs. 50 a month may be secured.

DISTRICT JUDGE, MUZAFFARGARH.

(Sardar Gurdyal Singh).

The processes issued by the Sadr Courts were served through the Sheriff, and all other Courts served their own processes through the process-servers placed at the disposal of each Court.

In July last the following system was introduced.

The following number of process servers were placed under the orders of each of the following Courts :—

1.	Sadr for miscellaneous work and for any urgent processes to be issued direct for special reasons	10
2.	Munsif, Muzaffargarh	22
3.	Munsif, Alipur	17
4.	Tahsil Sanawan	11

All the processes issued from any Court in the district were to be sent to the Munsif of Muzaffargarh, Munsif of Alipur and the Tahsildar of Alipur for service within the three Tahsils respectively. Thus all summonses for service in Tahsil Alipur were sent to the Court of the Munsif of Alipur by post, and served by him instead of each of the several Courts sending its own process-server to that tahsil.

The system has worked well as far as Alipur is concerned, but complaints were received from Sanawan because the Tahsildar going out in camp, and the Judicial Muharrir going with him, there was delay in service. The Munsif of Muzaffargarh found the work too much.

I think it would be best to have the work of process-serving in tahsil Muzaffargarh made over to the Sheriff, with 30 process servers. Muzaffargarh is a largetahsil, and there is a very large number of processes issued in this Tahsil because it is also most populous.

The processes for service in the outlying tahsils, of Alipur and Sanawan can best be served through the Munsif at Alipur, and the Tahsildar at Sanawan, 10 process-servers being placed under the orders of each. When the Judicial Muharrir of the tahsil is out, the clerical work connected with the service of processes may be made over to one of the process-servers, able to read and write, working under the general supervision of the Naib-Tahsildar, who generally stays at head-quarters of the tahsil when the Tahsildar is out. Thus the total establishment of process servers may be reduced by 10 process servers, and out of the savings thus effected the pay of the rest of the establishment may be raised.

DISTRICT JUDGE, JHELUM.

(Mr. J. G. Silcock).

The system indicated in paragraph 4 of Circular Memo. No. 21-2231, dated 15th May 1889, from the Registrar, Chief Court, has been introduced in this district from July. A few of the process servers from the Sadr have been sent to the Tahsil Munsif's Courts, with the object of strengthening their existing staff to enable the processes to be served without delay. The new system appears to work well, but a reduction in the establishment cannot at present be made without a further trial.

DISTRICT JUDGE, GUJRAT.

(Mr. C. E. Gladstone).

The present arrangement is not satisfactory. A proposal will be sent up for next year, the basis of which will be the reduction of process servers and the entertainment of a special Naib-Nazir with a Madad Muharrir to work under the Nazir, and a special Naib-Nazir to work in each Munsif's Court. It will then be possible to distribute the work of process serving, so that each process server will do the greatest amount of work with the least amount of travel. It will be absolutely necessary for the Munsifs to go to the tahsil head-quarters. We have no Munsif in Phalia, one in Kharian, *i. e.*, in Dinga, two in Gujrat, *i. e.*, Gujrat and Jalalpur. This is very convenient for the money lenders of Gujrat, Jalalpur and Dinga, but it is very inconvenient to the zamindars and people generally. As long as the practice continues, it will be impossible to carry out properly the present views of Government about process-serving.

DISTRICT JUDGE, RAWALPINDI.

(Mr. S. S. Thorburn).

Circular Memo. No. 7—2384, dated 5th June 1888, has been acted upon, the establishment at the Sadr has been reduced, and processes have been served through the Munsifs, and Tahsildars' peons have also been stationed at Mikhad and Domel, in Pindi Gheb Tahsil and at Hazro in Attock Tahsil, and circles assigned to them within which they are to effect service in cases belonging to the district.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson),

In accordance with the Chief Court's Circular Memo. No. 7-2384, dated 5th June 1888, the following alteration was made in the system of service of processes in the district, *viz.*, the service of processes intended for persons resident in the Bhera Munsifi, comprising the Bhera Tahsil and a portion of the Shahpur Tahsil, was made through the Munsif of Bhera, the processes being sent to him by post, and for this purpose 17 peons were placed under him.

But no alteration was made in the system for the Shahpur and Khushab Tahsils on account of the insufficiency of the process serving establishment at the disposal of the Munsif of Shahpur, who holds his Court alternately at Shahpur and Khushab.

The issue of processes from the Sadar Courts for these two tahsils was consequently made through the Sadr Nazir. The above-mentioned alteration proved to be a success, as much delay was avoided in the service.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. T. H. Homan).

Previous to the issue of Circular Memo. No. 7-2384 of 5th June 1888, processes of the Sadr Courts for witnesses residing Cis-Indus, were sent by post to the Munsif of Karor and the Judicial Muharrirs of Bhakkar and Leiah Tahsils for service, it being found impossible to carry on the business of the Courts otherwise, and after the issue, this practice was continued.

Since the issue of Circular Memo. No. 21-2231 of 5th May 1889, Sadr Court processes have been sent by post to the Judicial Muharrirs of Kulachi and Tank Tahsils also.

The Munsif of Karor has established in his jurisdiction posts at 5 villages, and at each of these posts has located a process-server to whom processes of the Munsif's Court are sent by post for service. This system appears to work well, but of course causes an extra expenditure of service stamps. I cannot advocate any reduction in the staff of process-servers. Before processes were sent by post, the work the process-servers had to perform was very heavy, and applications were made continually by the Nazir to have their numbe increased. They have now quite as much work to do as they can do properly, for though the number of processes for service is small, as compared with other districts, this district is the largest in the Province, and long distances have to be traversed.

DISTRICT JUDGE, BANNU.

(Mr. A. C. Greer).

During the year under review the attention of the District Courts has been drawn to the desirability of improving the process serving establishment, and if possible of economising it with a view to fewer men being employed on higher salaries. I think that one result of reducing the strength of the establishment would probably be to increase the average duration of suits, but this would not be an evil of the first order, or so undesirable as the maintaining of an inferior order of men, even if the processes are more expeditiously served.

Probably a reduction of one-tenth, or even of one-fifth, could be made in this district without serious inconvenience. I think that 40 men properly disposed could do the work that 50 men do now, which would result in a saving of one-fifth of the present cost. The present establishment is:—1 Nazir, 6 Naib-Nazirs, and 50 peons. No reduction could be made among the Naib-Nazirs, if made at all it must be effected among the peons. If one-fifth of their number were taken away, this would liberate Rs. 50 a month, which might either be paid to 5 head peons on Rs. 10 each (one for each tahsil and one extra for the Sadr) or else, it could be distributed equally among the body of the remaining peons, and increase their pay at least one rupee each. I think that if promotions to the Naib-Nazirships were made from among the peons that a better class of men would come forward for the latter posts. It is hard to see why a person should not be willing to serve apprenticeship for a Naib-Nazirship as a peon on Rs. 5 a month, if they can be got to do it for nothing on the chance of getting a vacancy. As a rule, competent men can now be got on Rs. 5 a month. Orders have lately been issued here that no one will be eligible as a peon, unless he can read and write; and there is no dearth of properly qualified candidates. I think it would be a mistake to devote any saving from reductions to increase the pay of the remainder all round. None of them deserve it to begin with, and the reduction would have to begin with the youngest employés who are generally the most efficient. It is the old men of 10 and 15 years standing who form the disreputable lot and give the whole a bad name, and to allow them an increased salary would not improve their character but just the reverse.

If it is intended to raise the rate of pay all round, and give every man at least Rs. 6 a month, it would in my opinion be better not to give the whole extra pay to the man himself, but to devote a portion of it to getting him some kind of uniform. At present the process-servers are always ill-clad and shabby looking. Every process server should be provided with, or made to keep up, a proper belt with badge, a warm overcoat for the cold weather, and a post-bag for holding papers. It would be better that some of the surplus money should be expended on providing these articles than that it should all go into the pocket of the individual. They should at least present the appearance of respectable men which at present they do not.

DISTRICT JUDGE, PESHAWAR.

(Mr. F. Field).

Every endeavour is being made to extend and carry out the arrangements, where by processes are sent as far as possible by post, so as to save the expense of these having to be sent by hand further than needful. The District Judge is arranging gradually for more peons to be posted to the remoter Courts and Tahsils of the district, so as to utilize the advantage of the postal service, as far as possible. No thorough benefit, however, is likely to accrue, until the postal authorities arrange for the more rapid transmission of covers to these places. At present it is often found that if expedition is required, delay is saved by sending the covers by hand, and until this is altered the system cannot be fully worked out.

DISTRICT JUDGE, KOHAT.

(Captain H. P. P. Leigh).

The system for working the process-serving establishment as indicated in Chief Court's Circular Memo. No. 28 of 10th August 1889, is duly acted upon in this district, but no reduction can be made in the existing establishment which is barely sufficient. In a thinly-populated and irregularly-shaped district like Kohat, cut up by ranges of hills with very poor means of communication, a much larger staff is required than for the same number of processes in a compact, and comparatively thickly-populated district Cis-Indus.

The establishment includes four extra peons, sanctioned for the officer in charge of the Thull Outpost, who have very little regular process-serving work to do, and therefore add nothing to the district income.

DISTRICT JUDGE, HAZARA.

(Captain E. Inglis).

It is directed in paragraph 7 of Chief Court's Circular Memo. No. 21 of 18th May 1889, that the process-serving establishment be especially noticed in the Annual report. The system described in Government of India's letter was introduced into this district in 1888, on the passing of Act VII of 1888.

It does not appear that any reduction in the number of process-servers is really advisable, in spite of relief given by use of Mansehra and Haripur Post Offices.

This district is specially situated, and it takes process-servers sometimes twice a long to serve a summons, sometimes in villages near the summit of these mountains or in the bottom of the gorges, as it would take him to go the same distance in the plains. I do not think that the present establishment can do more work as at present constituted, but if there was a Naib-Nazir granted for the district, whose duty it was simply to supervise the process-serving establishment, then I believe that more work could be got from the present number of process-servers without letting them feel it.

To obtain the appointment of a Naib-Nazir for this special work, I would even recommend that the number of process-servers be reduced by three, as I believe that even with that reduced number, the process-serving establishment under proper supervision could do better work, and give better results than at present.

The system introduced of sending the processes to the two outlying Tahsils of Naushera and Haripur by post, has given some little relief, but here again this district is not one where this syetem can be used to any great advantage.

There are only two outlying Courts to whom the processes can be sent ; there are no railways in the district, or many lines of post which can be utilized.

I cannot recommend that the process-serving establishment, as at present constituted, should be reduced at all.

Considering the nature of the district, and the number of the processes served, the establishment is not too big, but I would be willing to exchange three process-servers for one Naib-Nazir, whose sole work it would be to supervise the working of the whole establishment. At present there is no such official, nor any one who can possibly give his whole time to it, and until such an appointment is made, I believe the work will unavoidably continue to be so distributed amongst the "Mazkuris" as to cause them unnecessary labour, and also cause delay to the Courts by the processes being inexpeditiously served.

SUBJECT—MISCELLANEOUS.—SUPERVISION OF CIVIL WORK OF SUBORDINATE JUDGE.

DISTRICT JUDGE, JULLUNDUR.

(Diwan Ram Nath).

The chief irregularities observed were as follow :—

Book Circular No. 10 of 1888 was not carefully attended to ;
plans were not correctly and neatly made ;
decrees were carelessly recorded ;
market values were not inquired into at an early stage of the hearing of the cases and the cases were, after long proceeding, found to be out of jurisdiction ;
insufficient Court fees were taken ;
guardians *ad litem* were not always appointed for minor defendants.
translations of documents were not compared with the original ;
in a very few instances files did not reach the record room within a week from the date of decision ;
in the Court of Munsif Richpal Singh, a file was missed, and the reader had substituted another file probably by consent of the plaintiff ;

Note.—The Reader, &c., were punished.

petitions were not in all cases verified ;
cases triable by Revenue Courts were heard by the Civil Courts, and were referred to Chief Court under section 100 of the Tenancy Law of 1887.

DISTRICT JUDGE, KANGRA.

(Mr. W. B. DeCourcy).

I notice that Courts having immoveable property disputes connected with property at head-quarters, do not take the trouble to make a local enquiry, even when such is necessary to a proper decision of the case. Again, that full attention is not paid to the orders on the subject of protecting agriculturists against their creditors ; again, that commissions are not always issued with care as to the person employed to execute them and again, too great a readiness to refuse to wait for evidence on the plea that a summons for final disposal had issued. There are many other like matters to which I shall be able to attend better on the spot than by the issue of "Hidayati Rubkars." These are issued as occasion requires, of course, and notes communicated for guidance on monthly inspection of Records.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

Execution work, that is, the ordinary routine of procedure, try as much as [illegible] might, is more or less left to the ministerial staff, and so here and there, in [illegible] owing to neglect, delays have taken place.

In most of the Munsifs' Courts, the diet expenses for wit[illegible] process-server to deliver to the witness along with the summo[illegible] returned by the process-server to the party depositing the [illegible] not been found, but my impression is that, there bein[illegible]

mained with the process-server. The attention of the Courts has been called to this matter, and all Courts are requested to see that such money is returned to the party depositing it before the Court.

DISTRICT JUDGE, MONTGOMERY.

(Mr. T. J. Kennedy).

The procedure of the Subordinate Courts is carefully scrutinised in cases which come up on appeal, or which are called for, and when necessary directions are given. Among such directions were the following :—

(1) By order dated 19th January 1889, directing Subordinate Courts to carefully observe the injunctions of the Chief Court regarding execution cases, contained in Chief Court Circular No. 16 of 1888.

(2) By order dated 30th January 1889, directing that respectable and trustworthy men should be selected as the bailees (Sapurdars).

(3) By order dated 22nd May 1889, directing Subordinate Courts to carefully notice the provisions of Act VII of 1889, and not to pass decrees in favour of the representatives of deceased creditors without the production of the prescribed certificate.

(4) By order dated 28th May 1889, informing Subordinate Courts that in suits for a declaratory decree to declare rights over attached property, the suit should be valued according to the value of the property.

(5) By order dated 21st October 1889, warning Subordinate Courts to carefully observe the provisions of Chief Court's Circular No. 10 of 1888, to the effect that at the close of the examination of the witnesses for one party, a record should be made as to whether the party desired further evidence to be taken or not.

All these directions were called for by a neglect of Subordinate Courts to observe prescribed rules.

SUBJECT—MISCELLANEOUS—ANY OTHER SUBJECT CONNECTED WITH THE ADMINISTRATION OF CIVIL JUSTICE.

DISTRICT JUDGE, DELHI.

(Mr. S. Clifford).

I should like to see Chapter XX of the Civil Procedure Code amended, and power given to grant an absolute discharge in the case of insolvent judgment-debtors, whose liabilities do not exceed Rs. 1,000. At the same time rules should I think be framed regulating the discretion of Revenue Officers to refuse sanction to sales of land in execution of decrees. When this has been done, we may expect more satisfactory realizations in execution of decrees of the Civil Courts.

I have seen frequent cases, in which the Revenue authorities cannot arrange for a form, and at the same time will not sanction the sale of the attached land, which is hardly just to the decree-holder. The policy pursued is, in my opinion, a mistaken one for the money-lenders, seeing the difficulties thrown in their way, are beginning to secure mortgages by way of conditional sale.

DISTRICT JUDGE, GURGAON.

(Mr. R. Maconachie).

I do not know that the light litigation of the Gurgaon district calls for any other remark, except to record my conviction after five years close acquaintance with the people, that their best interests are not likely to suffer at all from any curtailment of the right of appeal hitherto made or likely to be made. On the contrary, the harm done by the spirit of litigation which takes a man to 'Lahore' is perhaps more marked than elsewhere, because it forms a contrast to the generally prevalent moderation in this respect. There are several villages and several families of position, which have been undone by litigation, and my knowledge of their cases leads me to think that recent reform is certainly not too [illegible]stic in the way of making decisions of our Courts final.

DISTRICT JUDGE, ROHTAK.

(Major A. DeC. Rennick).

[illegible] increased number of petition-writers let loose throughout the [illegible]t present in force are insufficient for their proper control. [illegible]s, and work a great deal of evil not only by urging on to-

litigation, but also by spreading disaffection among the people, and in the late riot at Rohtak they were the chief movers behind the scenes. Unlike solicitors they are an unorganized body, and are not answerable for their personal conduct to any authority.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. R. W. Trafford).

One is tempted to ask how far the amount of litigation is due to other causes than the naturally litigious character of the people, and how it can be prevented. Of course one chief cause of litigation is uncertainty about rights. Perhaps I may be allowed to mention some causes that have struck me during a considerable experience, and to suggest a remedy. Speaking generally, the Courts do not seem to require strict enough proof of claims by Plaintiffs. If persons were fully to understand that the Courts would not help them till they had proved their cases to the hilt, perhaps they would be more business like in their transactions. As it is, parties rush into Court asking the Court to do what it was the plaintiff's own business to do, *e. g.*, to settle up an account. Claims for breach of boundary are far too readily decreed ; a slight difference between the measurements of two Settlements, or between actual possession and recorded measurements, is too often held enough to justify a decree. The patwaris are, with reason, suspected of fomenting these quarrels for their private ends. Then the Courts are too apt to leave matters undecided between the parties, giving directions for a fresh suit ; perhaps the law may be to blame for this, being too refined as to causes of action for an agricultural people like this, but it seems a pity when all the disputes arising out of one transaction or one set of transactions cannot for technical reasons be settled once for all by one suit.

Then sometimes the uncertain wording of an order leads to further litigation. As particular instances in which uncertainty arises which might be removed ; in pre-emption suits it is sometimes disputed as to whether a certain place is a town or a village, as the law as to pre-emption, differs accordingly. Surely this might have been avoided, if "town" or "village" had been defined in the Act, or if the Local Government had been empowered to publish a list of such places as were to be considered towns under the Act. Again, in suits regarding marriage and betrothal, the absence of any provision for registration is a great want. It seems very remarkable that while we insist upon the registration of a deed of gift affecting land not worth Rs. 10, no facility is given for registering such an important transaction as marriage affecting the rights of many persons besides the contracting parties. Surely if arrangements were made for registering betrothals and marriages, and the public encouraged to do so, some of the uncertainty that leads to the frequent litigation, respecting these contracts, might be removed. A great deal of litigation arises from the alienation of ancestral real property by widows or childless owners, especially since ruling No. 107 of 1887 was published. The dispute as to necessity might perhaps be avoided if it were incumbent on a person who could not alienate the property in his or her possession without necessity, to obtain a certificate beforehand from the Collector of such necessity, otherwise the alienation to be void, in the same way that a guardian must obtain a certificate. Take the case of a widow mortgaging her property ten or more years before her death, it is very difficult for the Courts to decide, after her death, whether or no there was such necessity. Some such provision as here suggested would do much to check the reckless alienations now often made by widows and childless owners. Greater publicity should be given to registration than at present. A copy of every registered deed relating to land should be published in the village where the land is situate, being affixed to school, rest-house, or some such conspicuous building. This would tend to prevent secret personation at the registration office. Too much attention cannot be paid to the character of persons licensed as stamp-vendors and petition-writers, and above all to patwáris. Without the aid and connivance of these persons, there would not be half the chicanery and even forgery that is now current. There would be less litigation if the Settlement papers were held more conclusive than at present ; a rule that six years after sanction of Settlement, no entry should be contested or suit brought contrary to such entry, would be an immense boon to the people at large, though it might occasion individual hardship. The hope of effectually checking litigation lies in a general Code of law for the Punjab, laying down uniform hard and fast rules, classified according to the larger clans, as to adoption, distant kindred, rights of childless owners and the like. I do not myself think that this would rouse much opposition if carried out after previous consultation with the leading men, and if feasible, would be an immense boon to the people and officers administering the law ; it would not be asking very much of the smaller tribes having exceptional custom sacrifice them to the general good of the Province. At present there can be no hor tainty in deciding many points of custom, and consequently litigation is enco rules laid down in Mr. Rattigan's Customary Law might form the basis though those rules would have to be supplemented and explained.

DIVISIONAL JUDGE, SIALKOT DI

(Mr. M. Macauli

A miscellaneous number of Extra Assis short periods to this division during the ye go. I find their work far inferior i

prefer that the latter did judicial work for me. There are some first class men among them, who owe their position to sheer hard-work. The only other point I desire to notice in the present report is, in reference to a recent Circular of the Chief Court, on the subject of petition-writers. I think it is in vain to ignore the fact that the first class petition-writers who write appeals are now lawyers. They passed a legal examination (para. 8 of Judicial Circular CXXV), though not it is true a high one, but they study with extraordinary assiduity, the Acts of the Legislative Council, the Judicial Circulars, the rulings of the Chief Court, and the better known rulings of other High Courts, whenever accessible to them. This, from many years' experience, I know to be a fact, and therefore I think the time has come when first class petition-writers should be made responsible for not inventing circumstances, which are not on the record of the first Court, or which are directly the reverse of the appellants' own statements in the first Court, and for not repeating circumstances in petitions of appeal, which have been completely and absolutely disposed of by the first Court. I find that a large proportion of my own work consists in replying to grounds of appeal which have been completely threshed out by Subordinate Courts.

DISTRICT JUDGE, MONTGOMERY.

(Mr. T. J. Kennedy).

I think the great defect in administration of Civil justice in this district is that the administration is too much centralized, and that there are practically no outlying stationary Civil Courts, except that of the Honorary Civil Judge of Pakpattan. The nature of the duties of the Tahsildars require them to be continually on tour, and the recent sanction of trvelling allowance to them is a direct incentive for them to be in camp. Case after case has come before me during the year in which apparently creditors have taken advantage of the absence of debtors to proceed against them, secure an *ex-parte* decree, and it is not until execution is taken out that the judgment-debtor is aware of the proceedings. Even when the defendant in a case receives notice of the trial, it is hard upon him to attend several hearings of the case at Montgomery, where water at certain seasons of the year is scarce, where there is no pasturage for any pony or donkey on which he may ride in, and where provisions are dear. It is easy for the money-lender who has several cases against individual clients to attend and prosecute these several cases at once. Other disadvantages of the centralization of Civil justice administration are—

(1) that the head-quarters officer is without the knowledge of local conditions, which an officer stationed in the tahsil would have;

(2) that in execution of decree cases he is at the mercy of poorly paid subordinates:

(3) that owing to the necessary delay in the disposal of cases prompt action is impossible and that by the delay, dishonest debtors are able to make away with their property to evade seizure; false evidence can be concocted most easily, the cost of litigation is increased, &c., &c.

I propose in this district to partly meet the difficulty by again soliciting sanction to the investiture of the Honorary Magistrate's Bench at Dipalpur with Civil Court powers, a proposal already made, but shelved pending the decision of the provincial question regarding an extension of Honorary Agency.

DISTRICT JUDGE, JHELUM.

(Mr. J. G. Silcock).

I have no remarks to make except to point out again the very unsatisfactory state of the law and of proceedings under section 326, regarding sales of land in execution of decree. The present rules simply prevent any settlement of decree being arrived at, and are therefore disadvantageous to both the decree-holder and the judgment-debtor. The Collector cannot take proper and authoritative action under section 326, whereas if a notification were issued under section 320, matters would be very much simplified, and there would appear to be no reason why the present land sale rules should not obtain side by side with the notification.

DISTRICT JUDGE, GUJRAT.

(Mr. C. E. Gladstone).

[illegible]nt subject is the removal of the Munsifs' Courts to the Tahsil [illegible] the towns of Gujrat, Jalalpur, and Dingah (the first two [illegible] Kharian) have each a Munsif. They need never to go [illegible]y can walk across the road to the Munsifs' Court [illegible] would have to walk and bring his witnesses [illegible] A zemindar from Besa (Kharian Tahsil) [illegible]ften pays up or signs a fresh bond to

avoid the trouble of attending a distant Court. This really is a hardship. It is one great cause of the steadily increasing indebtedness of the people. As long as the present system exists it will be impossible to distribute our process servers efficiently and economically.

DISTRICT JUDGE, RAWALPINDI.

(Mr. J. A. Anderson).

I have nothing fresh to say about the relations of the money-lenders and agriculturists. There are faults on both sides, and it does almost as much harm when officers show a prejudice in favour of the agriculturist as when they too readily decree the demands in full of the grasping Khattris. The Khattris have quite enough to do, to maintain their ground in many parts of the district. There have been several outrageous murders almost on the confines of Rawalpindi city.

A plan has been made for Sadr Munsif Court near the Tahsil, and I hope to see the Munsifs removed from their present inconvenient perch over the gateway of Sher Singh's Serai.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson).

Changes are required regarding the following matters :—

The pay of process-servers should be increased.

It should not be necessary to pay witnesses their expenses till they actually attend Court.

Rules should be laid down regarding the custody of property after attachment.

The procedure regarding giving possession of immoveable property should be amended, and clear rules laid down as to how it is to be given, so as to actually convey the possession.